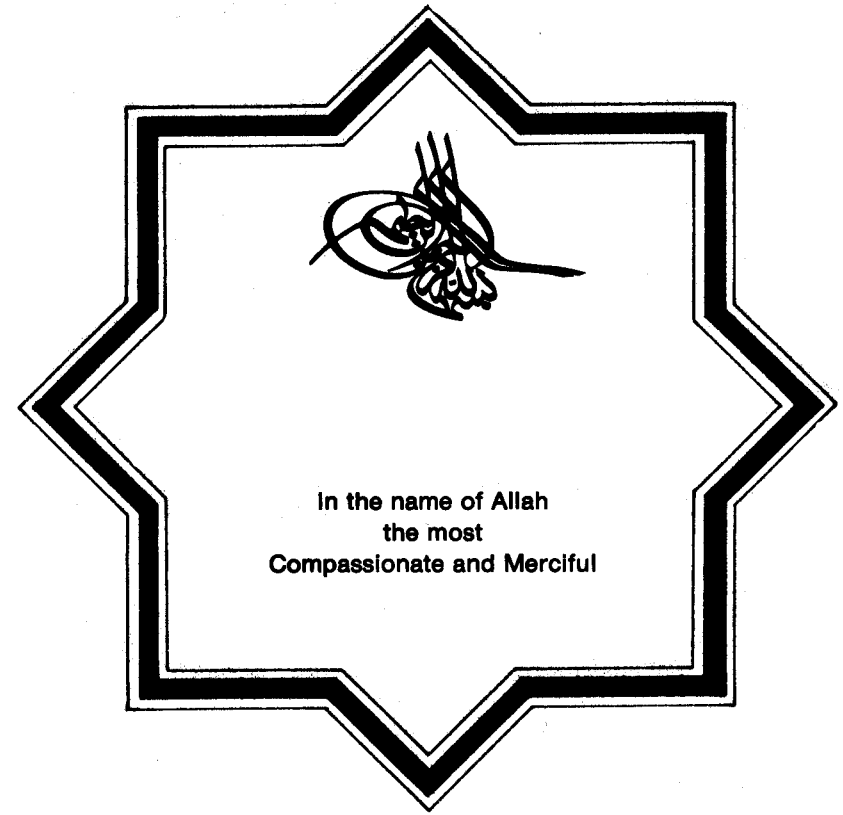

In the name of Allah
the most
Compassionate and Merciful

The Center for the Publication of the U.S. Espionage Den's Documents

P.O. BOX: 15815 – 3489

Tehran' Islamic Republic of Iran

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In The Name Of ALLAH,

The Compassionate, The Merciful

. hereby, declare this disdainful parlimentary vote (Capitulation) to be against lam and the Quran....I declare for the world to know that the problems of the anian nation and all the Muslims are caused by foreigners, especially merica....It is America which is pressuring Iran's parliament and goverment to adopting and executing this shameful act in negation of our Islamic and tional honours. It is America which is making such savageries and even worse, ith the nation of Islam."

nam Khomeini (May his soul rest in peace) October 26, 1964

n Iran's contemporary history, the Consular Ruling Rights (Capitulation) is mong the worst cases of violating independence and national sovereignty. his seemingly legitimate mould of colonialism, has not only guaranteed oreign domination, but it has also paved the way for the foreign agents to xercise their influence over the country's structure of government allowing hem, as well, to commit innumerable crimes against the oppressed muslim ation. Penal laws that were to personify the government's soverignty, were in

fact manipulated by puppet elements and were ignored in the easiest manner possible, wich the endResult being that every criminal who willed to go on with his treacheries, could place himself at the disposal of foreign powers for support.

Due to the importance of this issue, as one in the series of elements that turned the Corrupt Pahlavi Regime into an all out protege of the U.S. imperialism, and because of horrible political, cultural and social impacts of that rigime's tremendous treachery in the form of adopting Capitulation, the second volume of the book entitled "The U.S. Military Advisory Mission in Iran" was appropriated to cover this important point in detail. A major number of documents captured in the U.S. Espionage Den relate to the issue of granting diplomatic immunity to American Military Advisors, better still "The Revival of Capitulation". Documents covering the divelopments of 1962–1964 are presented in this three chapterred volume for the infomation of the Iranian Nation, with the remaining ones slated to, hopefully, appear in the third volume of this collection. In this book's introductory part, we have touched on certain words, definitions, and the historical background of Capitulation, to allow the readership an ease of approach to the core of the issue.

"Capitulation" In Definition

The word "Capitulation" has been derived from the Latin word "Capitulare" or the Italian "Capitulazione", indicating: the negotiation of a pact or treaty, or the pact itself. Some researchers beleives that when the first treaty was signed between Arabs and Christians that resided in ancient Syria, about half the population used to speak Italian, allowing for this word imply a treaty among the christians and non– christians. Others have even gone as for as claiming that it was the word for the arabic phrase of "Temporary Peace"

Irrespevtive of its vocabulary–wise roots, the Europen law history refers to

'apitulation" as unilateral documents or treaties, on whose basis, the overnments of ancient Syria, Lebanon and North Africa, determined the legal tus of foreigners that used to reside within the boundaries controlled by the ttoman Empire, there by, granting special privileges and exemptions to the uropean Nationals.

In common legal terms, "Captiulation" refers to the Consular Ruling ystem, as well as certain degrees Judiciary guarantees, privileges and mmunities granted the subjects of christian governments in non– christian rritories as a result of unilateral decisions, pacts or other forms of legal apers. Within the said group of countries and territories, foreigners in eneral, were not under the Judicial control of local authorities, but were onsidered subject to the rulings of their respective government's officials specially the consular and diplomatic representatives, with their legal problem nd claims pertaining to their penal issues resolved by their respective overnment's consular officers or their representatives. Therefore, Capitulation" was a means, through which a country gained the right to make ltra– territorial Judiciary rulings within the boundries of another sovereign ation (and, of course, to its detriment). A power and Judicial ruling authority hich came about and even expanded on the basis of bilateral contracts or use f the most–favoured state per–condition.

The History Of Capitulation

here has always been a discussion among the world's countries dealing with he type of legal rights or protections, foreigners should or should not enjoy, et no common rules have come about. The establishment of trade and cultural ies with foreigners has led countries, strongly opposed to any legal privileges o other nationals, thereby making their presence within their borders, ractically impossible, to a point, where some beleive that there should be no

difference between insiders and outsiders as far as rules and regulations are concerned.

In recent centuries, consular judgement was established in China, Japan, the Ottoman Empire, Iran, Egypt, and other Asian and African contries, to the benefit of the domineering countries. In 1535, when Soleiman Qanooni was in power, the Ottoman Empire, negotiated a trade pact with the king of France, Francois I, on the basis of which, and for the first time, french nationals residing within Ottoman–controlled territory were deemed to be subject to the French Consular Rulings. Since the Ottomans were most powerful at the time, historians noted the granting of such concessions as something emanating form the so–called Islamic Spirit of Moderation versus foreigners, and because the case was without any solid precedent they have, since, lablled it "TheFirst Privilege". Later, of course, when Ottomans entered a period of weakness and disintegration, that same concession or "privilege" paved the ground for the outsiders' increasing interference, which accelerated that Empire's division.

In Safavid–Era–Iran, ties with foreigners expanded, and foreigners were being treated well, although no consular privilege was granted. But articles 16 and 17 of a treaty signed by Safavid king, Sultan Hussein, and his french counterpart Louis XIV (1708) called for a concessions, as a result of which, first, the french consular officer was the only legal entity authorised to deal with disputes involving french citizens residing in Iran; secondly, depriving Iranian Judges of the right to deal with issues between the french and other foreigners, thirdly, when there was a dispute between a French and Iranian, the Iranian juudge could take up the case only at the presence of the french consular officer. Fortunately, since the concession had been extended towards the end of the Safavid dynasty's reign, it practically did not bring about foreign domination of Iran, a major indiction as to why it is rarely referred to as a cornerstone for foreign influence, in the form of "Capitulation", over Iran.

In the wake of the "Gulistan" treaty which followed the first case of Iran–Russian war and the secession of part ot Iranian territory, the second case the two neighbour's conflict led to the conclusion of "Turkman–chai" treaty 1828, which heavily damaged Iran. According to the chapter 8 of this treaty: "A Russian national or a third contry citizen accused of a crime, would be immune to harassments, until his case is proven. Even in that case, if the convict is specifically a Russian, local government authorities should not put him on trial in the absence of a Russian consular officer. If there is no Russian embassy or Consulate in the area, local authorities shall take the accused, to a locality where either one is available, along with an affidavite signed by the local judge.

This affidavite which is sent to where the trial would be taken place, is considered to be the legal document for the case, unless the convict proves his innocence. Finally, when the accused is found guilty of a crime, he is turned over to the Russian ambassador, charge D'affairs, or consular officer, who would send him to Russia to be penalised according to Russian regulations".

In Iran, Capitulation gradually turned into a phenomenon which was not a monopoly of Russia, since several other governmemts taking advantge of the principle of most favored state, obtained the privilege, and imposed their influence on Iran's judicial and political apparatus. England, France, America, Germany, the Austro–Hungarian Empire, Italy, Spain, Belgium, Greece and even the Ottoman Governmemt enjoyed the same privilege.

Aftermaths Of Capitullation

The reinstatement of Capitulation was tantamount to a considerable increase increase in the authority of foreign consular officers who expanded their support for their own nationals to include citizens of the host nation.

A letter from the consular officer would enable his interpreter and the rest of the stations' local staff to enjoy his support. Certain other citizens too, for

religious, trade or consular reasons could obtain the same letter and resist local authorities. Ultimately leading to a situation, where, consular officers provided such letters (on the basis of political considerations, or even in return for money) to any local people, without even attempting to obtain the consent or agreement of the host government. As a result, some local officials went as far as negating their original nationalities in order to further enjoy legal privileges of Capitulation.

In addition to unfavorable political outcomes, Capitulation raised crime rates from the social standpoint of view. And on the economec side, it eliminated all obstacles, allowing foreigners to import into the country or smuggle out of it, whatever they wished. Violation of the host country's judicial sovereignty was a case, more important than the aforementioned. Capitulation deprived local people of a full judiciary support giving foreigners an upperhand in their affairs. Increasing intervention by diplomatic and consular representatives, had placed the host nation's ruling authority under the control of foreigners, allowing even the lowest ranking affiliates of a mission to influence its routine and daily affairs. This situation, created numerous jobs in connection with Embassies and brought about a congregation of religious and tribal minorities around consular posts. One of the interesting yet unfortunate cases was the eruption of occasional clashes between officials and supporters of a country's consular station and those of another nation. In that, the deputy consule of Russia and a group of his sympathizers would launch an attack on the Ottoman consular post, with the latter making up for it on another occasion.

All throughout the period when Capitulation was in force in Iran, there were massive and restricted opposition to the situation. At the time of the constitutional revolution, the authoritarian government in Iran in a bid to deceive people, suppress public outrage and attract their consent, released

he Rule of Justice» whose first chapter stipulated that: «The Ministry of stice is hereafter authorised to take up and review any and all legal cases or ums filed against foreigners, local nationals government officials or sinessmen. «Although this law was not effective in leading to a concellation Capitulation, yet the content of its first chapter demonstrated the extent of pular anger at the enforcement of the case.

Abolition of Capitulation

Late 19th and early 20th century netnessed an end to Capitulation in different rms. In 1894, Japan was the first country to embark in that direction. In 1914, the ttoman Empire urged the Europeans to stop utilizing Capitulation, and nilaterally abolished it. But the American government declared the Ottoman mpire's unilateral measure an null and void. In 1919, the Europeans put an end Capitulation in Turkey which in 1923 signed the Luzan agreement and brougt e case to a complete close throughout the country. Greece (1914), Morroco 1920), Thailand (1927), Iraq (1931), Ethiopia (1936), Egypt (1937) and China 1926) followed suit conditionally, putting an ultimate end to the practice in 1949. fter that year, there were only Bahrain and Muscat, wherein, foreigners enjoyed apitulation privileges.

In 1928, the government of «Samsam–ol–Saltaneh» passed the following in ran: a) «All treaties, pacts and concessions obtained by the autocratic Russian tate in Iran in the past one hundred years, were the results of pressures and oercions exerted through illegitimate means such as threats and briberies, and ontradicted the Iranian nation's interests, and are hereby declared as null and oid on the basis of Iran's constitntion and sovereignty;

) All legal cases involving foreigners and Iranians would hereafter fall within the Jurisdiction of the Ministry of Justice and not the Ministry of Foreign Affairs.»

Yet the western states continued to utilize the privilege, and even embarked on setting up their own armed forces within their mission premises, arguing that they

were of christian civilization and could therefore not subject themselves to uncivilized judicial systems.

After the first world war and the ensuing attitude prevailing over the issue of international relations, as well as the increaning opposition of the Iranian nation to Capitulation, the national consultative assembly of Iran in 1927 declared the «Abolition of Capitulation», and set a one–year deadline for states that enjoyed the privilege, to negotiate new terms with the country. France was the first to start the process with other states gradually taking the same steps, and signed friendship, residence, commerce, customes and navigation treaties with Iran. Equal rights, mutual respect and adherence to international regulations were accepted as prevailing norms by either side.

But in 1961, the U.S. government once again called for its military advisors' immunity from Iran's judiciary system, which revived Capitulation. This time, the Iranian regime was so dependent on America, that it not only paved the way for U.S. advisors' non–trial in Iran,but also prevented officials from detaining the former even for limited periods of time in order to proceed with preliminary investigations. And since the mojority of Americans residing in Iran were comprised of military advisors and diplomatic staff, Capitulation privileges embraced all Americans that used to live across the country.

The Neo – Capitulation

In January 1961, John F. Kennedy stepped into the White House as president, while anti–colonialist campaigns of the third world nations and communist tendencies had grown to a considerable extent in the world. To confront communism and the third world nations independence seeking struggles, Kennedy launched a new strategy, forcing puppet governments to carry out a series of superficial reforms in their respective countries. In that connection, Ali Amini turned out as Iran's prime minister in 1961 and immediately proceeded with implementing reforms Kennedy had in mind.

10 months later, the Kennedy administration sent a diplomatic memo and alled on the Amini government to provide for the Amermican Military Advisors nd their dependent's coverage by the immunities contained in the Vienna onvetion. The U.S. government wished to obtain those privileges through a here exchange of memos, but Amini who was known for his notorious Consortium Agreement», did not want to increase his notoriety as «the Reviver f Capitulation», knowing full well that Iran's past and bitter experiences would raw out a dangerous fate for the reiterator of such a treacherous action. herefore Amini who maintained the premiership post until 5 months after the .S. filed its request, refrained from giving a response.

Alam's Cabinet

In April 1962, the Shah travelled to the U.S. and persuaded his masters that he as personally able to perform the artificial reform and that there was no need for person like «Amini». Upon returning to Iran, he forced Amini into resignation, ppointing "Asadollah Alam" as the new premier.

9 months later, the Shah declared that he intended to put his so– called «White Revolution» to a referendum for popular approval. As a result of the contents of s 6 articles, Imam Khomeini (May ALLAH bless his soul) and other risprudents boycotted the referendum. One month later the government of lam who had held a bogus referndum, announced the «White Revolutions'» pproval by the people, following which Kennedy sent a felicitation message to he Shah.

A month and a half after the White Revolution Show, Alams' cabinet began to eview the U.S. request for it's military advisors' immunity. Irans' foreign inistry, through a note to the U.S. Embassy in Tehran, declared its concurrence with the latter part of the U.S. note regarding the high ranking members of the Advisory misson who hold diplomatic passports to give them diplimatic status

until they can enjoy the relevant immunities and advantages–and concerning the rest of the staff of the American Advisoty mission also some studies are under way in order to provide them, too, with more advantages and facilities (Document 2). But the regime in Iran made no reference to the U.S. request that American Advisors' dependents residing in Iran were also to be covered by those immunities.

In the meantime, the Shah who was outraged at the clergymen and Imam Khomeini's leadership of the movement, instructed his commando units on april 1963 to raid the «Faizieh Theology School». Thus, the clergymens' struggles entered a new phase, and in the month of «MOHARRAM», people demonstrated in front of «mar–mar» palace and chanted «Death The Dictator». The Shah issued instructions for the detention of Imam Khomeini, who then was transferred to Tehran on June 5, 1963. This trigerred the popular uprising which was crushed by the regime whose agents martyred a large number of demonstrators.

At the time of Amini's premiership in 1961, Iran's Parliament was abolished, a state which continued for two years. In 1963, Alams' government held a so–called election to form the National Consultative Assembly (21st term) and the Senate (fourth term), selecting deputies for both, from among the participants of a so–called congress of «freemen and freewomen». One month later the new parliament resumed its sessions.

Before handing the premiership to Hassan–Ali Mansour, Alam had presented all of his government bills to the parliament to be approved. Yet, «Capitulation» Bill was rendered almost at the end of his cabinet's term, so that the parliament would not have sufficient time for its review, leaving the Bill's defence to the next cabinet.

Hassan–Ali Mansour's Cabinet

26 days after the Capitulation Bill was presented to the Senate, that is on march 1964, Alam's term of office as premier ended, and Hassan–Ali Mansour placed him. The «Iran–nowin» party headed by Mansour was an offshoot of the Kanoone–moteraghi» which was a center of congregation for U.S. educated nians, with its members being those who had been trained under «Truman's octrine» to protect U.S. interests.

5 months later the Senate took up the case of Capitulation in its open session. he Bill which was the last of a series of bills placed in its agenda, was approved by nators on july 25, 1964 almost at the final part of their session which was at dnight then it was sent to the Consultative Assembly for final approval.

It is interesting to note that the Pahlavi regime always considered the abolition Capitulation as a major achievment of the Reza–Shah's government. Its nstatement, therefore, was one of the hardest blows the regime sufferred. But officials were incapable of turning down the U.S. request due to their clinations. Iran's foreign ministry officials, for example, who were to protect the tional interests of Iran, used to call on the U.S. to tell them how they could work maintain the United States' illegitimate interests in Iran. «Mirfendreski» who as deputy foreign minister at the time, had urged the U.S. Embassy in Tehran to ovide him with in formation that could be usefull in the process of defending the apitulation Bill» in the National Consultative Assembly.

National Consultative Assembly Debate

The Assembly finally took up the «Capitulation Bill» for discussion on October 3, 1964. It session continued from 8 in the morning up to 5 in the afternoon ithout even a lunch break. Even the deputies' request to adjorn for another ssion was turned down. Mansour's cabinet had decided to get the Bill passed in at same session, which was tense and reflected strong opposition by certain

deputies. The Bill was finally put to vote, and was approved with 74 against 6

Over 50 of the 188 assembly members were absent, with the majority turning o as absentees intentionally. This trend intensified the Americans' concerns, ar forced them to search for the roots of such an opposition.

The Shah's Position and The Reward of Treachery

Outraged at the approval process, the Shah implicitly denounced deputie charging them with conspiracy and espionage, adding that the position taken b certain members was intolerable. Ultimately, they were instructed to take bac their words using pretexts such as «Misunderstandings» or «Insufficien Elaborations».

Following the Bill's Approval, the U.S. agreed to provide Iran with a 20 million dollars loan for the sole purpose of American–manufactured arm procurement. That was the trivial amount the Shah's regime received, in retur for its treachery.

The Position taken by the Imam Khomeini

Imam Khomeini (May ALLAH bless his soul) immediately reacted to the Bill Approval by the National Consultative Assembly. In a fully critical speech in Qu city, the Imam stated:

«They sold out our Independence, yet held celebrations... the former cabinet ha already made the approval, without telling anyone about it. The present one too it to the Assembly several days ago, after having it passed by the Senate, gettin the case finished and kept quiet about it... The government took sides with th infamous Bill. They degraded the nation of Iran to a level even below an americ dog... Why? Because they wanted to obtain U.S. loans... I warn you... We are t deal with these dirty ones, with the Americans... All of our troubles are caused b the U.S., and by Israel. Israel belongs to the U.S., and these deputies ar Americans...»

This speech discredited the regime to the extent that Premier Mansour had to spond. Before the Senate, he tried to justify the treachery by making false and useless statements in a bid to neutralize any discontent, but failed to be of any nefit to the Shah's regime.*

It is hoped that the present series of documents would expose America's egitimate interference in our country's affairs, as well as treacheries committed its affiliates. The collection is also hoped to arm us with a thourough nderstanding as a result of which the «Great Satan» would never be able to netrate our country.

Muslim Students Following
The Line of The Imam
Winter 1991

The following sources have been used as far as certain definitions and historical hrases in the context of this book's introduction are concerned:

- «The Book of Light», First Volume.
- «Contemporary Political Histoty of Iran» Volumes 1,2., DR.S.J. Madani
- «Political Sciences Dictionary» 3rd Volume, G. Ali–Babai.

CHAPTER

I

Note No. 423

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note No. 6266 of February 7, 1962 indicating the desire of the Imperial Iranian Government to retain for another year (until March 21, 1963) the services of the United States Military Advisory Missions initially provided for in the agreements of November 27, 1943 and October 6, 1947.

The Embassy is pleased to state that the United States Government is agreeable to so extending the services of those Advisory Missions which will continue to be conducted in accordance with the terms of the aforenoted agreements as modified by exchanges of Notes at Tehran on December 29, 1948 and January 5, 1949, November 28, 1949 and January 10, 1950, relating to the Military Missions; the exchange of Notes of September 11/13, 1948, relating to the United States Military Mission to the Imperial Iranian Gendarmerie; Note No. 596 of April 10, 1961, of the United States Government, and Notes 1344 of June 14, 1961 and 4202 of November 14, 1961 of the Imperial Iranian Government.

At the same time, the Embassy wishes to recall the frequent discussions that have taken place of late between representatives of the two Governments in connection with the problems of increasing importance that have stemmed from the fact that the existing arrangements do not adequately cover the question of the status of the United States Advisory Mission personnel in Iran.

In that connection, the United States Government believes that it would be in the interest of the two Governments to have a general understanding covering this matter so as to remove any reason for uncertainty and thereby facilitate the efficient functioning of these advisory personnel. To that end, the Embassy has the honor to suggest simply that such personnel shall have the privileges and immunities specified for "Members of the Administrative and Technical Staff" in the Convention annexed to the final act of the United Nations Conference on Diplomatic Intercourse and Immunities signed at Vienna, April 18, 1961, it being understood, of course, that certain Senior Personnel may by agreement between the two Governments be accorded the status specified in the aforesaid instrument for "Diplomatic Agents".

The Embassy further suggests that in the interest of uniformity and ease of administration the foregoing principle be made applicable to any other United States military personnel or civilian employees of the United States Department of Defense and their families forming part of their households whose presence in Iran is authorized by the Imperial Iranian Government.

The Embassy proposes that if this understanding is agreeable to the Imperial Iranian Government that it be applicable from the date of the Ministry's Note in reply to that effect.

The Embassy avails itself of this opportunity to renew to the Imperial Ministry the assurances of its highest consideration.

Embassy of the United States of America,

Tehran, March 19, 1962.

SArDEOulashin:mwb

Translation

Note Number: 8800
Date of Note: 3/11/63
Date Received: 3/11/63
From: Fourth Political Div. of F.O.
Enclosure of the Note

Subject: The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and with reference to the Note No. 203 dated October 22, 1962 [1] relevant to proposal of that Embassy concerning the status of the American Military Advisory Mission in Iran and taking advantage of the articles of Vienna Agreement approved April 18, 1961 [2] with regard to the said advisors, it has the honor to state. It is agreed to the latter part of the Note No. 423 dated March 19, 1962 of the Embassy regarding the high ranking members of the Advisory Mission who hold diplomatic passports to give them diplomatic status until they can enjoy the relevant immunities and advantages – and concerning the rest of the staff of the American Advisory Mission also some studies are under way in order to provide them, too, with more advantages and facilities and the Embassy will later be informed of the result.

The Imperial Ministry avails itself of the opportunity to renew the assurances of its highest consideration.

[SEAL]

[1] Not printed.
[2] 500 UNTS 95

TIAS 6594

اداره چهارم سیاسی

شماره ۸۸۰۰

تاریخ ۱۳۴۱/۱۲/۲۰

پیوست

وزارت امور خارجه

یادداشت

وزارت امور خارجه شاهنشاهی تعارفات خود را بسفارتکبرای ایالات متحده امریکا اظهار و عطف بیادداشت شماره ۲۰۳ مورخ ۲۲ اکتبر ۱۹۶۲ راجع به پیشنهاد آن سفارتکبری درخصوص وضع اعضاء هیئت مستشاری نظامی امریکا در ایران و استفاده از مواد قرارداد وین مصوب ۱۸ آوریل ۱۹۶۱ درباره مستشاران مزبور احتراما " اشعار میدارد • نسبت بقسمت اخیر یادداشت شماره ۴۲۳ مورخ ۱۹ مارس ۱۹۶۲ آن سفارتکبری درخصوص اعضاء عالیرتبه هیئت مستشاری که دارای گذرنامه سیاسی میباشند موافقت میگردد که بنامبردگان وضع سیاسی داده شود تا بتوانند از مصونیتها و امتیازات مربوطه برخوردار شوند و درخصوص بقیه کارمندان هیئتهای مستشاری امریکا نیز مطالعاتی در جریان است تا برای آنها نیز امتیازات و تسهیلات بیشتری فراهم گردد که نتیجه آن بعدا " باستحضار آن سفارتکبری خواهد رسید •

موقع را برای تجدید احترامات فائقه مغتنم میشمارد •—

سفارتکبرای ایالات متحده امریکا — تهران

Translation

Note no.: 8296
Date: 11/17/63
Date Received: 11/18/63
From: Treaties & Legal Affairs
Div. of F.O.
Enclosure of the Note.

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America, and regarding the exemptions and immunities for the Military Advisory Missions of the United States Government in Iran, it has the honor to state that, considering the request made by the Embassy in the Note No. 423 dated March 19, 1962 where it was stated that the staff of the Advisory Missions should enjoy the privileges and immunities relating to the administrative staff and technical members "provided in the agreement annexed to the final act of the United Nations Conference on Diplomatic Intercourse and Immunities concluded at Vienna and approved on April 18, 1961 and some senior members of these Missions may by agreement between the two governments be accorded the status for diplomatic agents so that they may enjoy the privileges and immunities that the said agreement has specified for this class and for the maintenance of administrative interests and maintenance of uniformity the above-mentioned principle be made applicable to any military and/or civilian employee of the United States Defense Department and members of the family accompanying him provided that their presence in Iran is authorized by the Imperial Iranian Government" necessary studies were made and the result was brought to the knowledge of the Embassy, i.e. the Vienna International Agreement after its approval by the Iranian Legislative Power shall not apply the members of the Military Advisory Missions of the United States Government in Iran who are under the employ of the Iranian Ministry of War, which requires a separate legal authority, and it, therefore, was decided that necessary statement be attached to the Vienna International Agreement when it is presented to both Houses so that the chief and members of the Military Advisory Missions in Iran may enjoy the privileges, immunities, and exemptions which are provided for "the administrative and technical employees" covered by paragraph F article one of the agreement under question and, of course, the extension of such privileges and exemptions will be subject to the approval of both Houses.

The Imperial Ministry of Foreign Affairs is pleased now to inform the Embassy that the Council of Ministers has agreed to this proposal in accordance with a Decree dated October 5, 1963 and it is decided that this Note and the Note which will be written as a reply

by the Embassy be attached for approval to the Vienna Agreement concluded on April 18, 1961, at the time it is presented to both Houses.

The Imperial Ministry avails itself of the opportunity to renew the assurances of its highest consideration.

[SEAL]

اداره عهود و امور حقوقی
شماره ۸۲۹۶
تاریخ ۱۳۴۰/۸/۲۶
پیوست

وزارت امور خارجه

یادداشت

وزارت امور خارجه شاهنشاهی تعارفات خود را بسفارتکبرای دولت ایالات متحده آمریکا اظهار و در مورد معافیت و مصونیت هیاتهای مستشاران نظامی دولت ایالات متحده آمریکا در ایران احتراماً باستحضار میرساند که با توجه بدرخواستی که در یادداشت شماره ۴۲۳ مورخ ۱۹ مارس ۱۹۶۲ بعمل آورده و مرقوم داشته بودند که کارمندان هیاتهای مستشاری از امتیازات و مصونیتهای مربوط به کارمندان اداری واعضاء فنی "مشروحه در قرارداد منضم بقرارنهائی کنفرانس سازمان ملل متحد منعقد در وین در خصوص روابط و مصونیتهای سیاسی مصوب ۱۸ آوریل ۱۹۶۱ برخوردار باشند و به بعضی از اعضای عالیرتبه این هیاتها بموجب قراردادی بین دو دولت وضع مامور سیاسی داده شود تا از مصونیتها و امتیازاتی که قرارداد مزبور برای این طبقه در نظر گرفته متمتع گردند و بخاطر حفظ مصالح اداری و حفظ اتحاد شکل در مورد هریك ازمستخدمین نظامی و یا کشوری وزارت دفاع ایالات متحده و اعضای خانواده همراه او بشرطی که حضور آنان در ایران با موافقت دولت شاهنشاهی باشد اصل فوق الذکر قابل اجرا باشد" مطالعات لازم بعمل آمد و در نتیجه این مطالعات باستحضار آن سفارتکبری رسیده

سفارتکبرای دولت ایالات متحده آمریکا ـ تهران

No. 299 DECEMBER 18, 1963

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note No. 8296 of November 17, 1963 (Aban 26, 1342). The Ministry's note states that the Council of Ministers agreed on October 5, 1963 (Mehr 13, 1342) to propose to the National Consultative Assembly that the Chief and the members of the United States' military advisory missions in Iran be accorded the privileges, immunities and exemptions provided in the Vienna Convention on Diplomatic Relations for "the administrative and technical staff" of the Embassy, as described in Article 1, paragraph (f) of the Convention. The Ministry's note further states that that note and the Embassy's note in reply will be attached for approval to the Vienna Convention at the time the Convention is presented to the National Consultative Assembly and the Senate.

The Embassy understands that the phrase "the members of the United States' military advisory missions in Iran" is applicable to those United States military personnel or civilian employees of the Department of Defense and their families forming part of their households who are stationed in Iran in accordance with agreements and arrangements between the two Governments relating to military advice and assistance. Accordingly, the Embassy concurs that the Ministry's Note No. 8296 will, when approved by the National Consultative Assembly and the Senate, constitute a favorable and acceptable response to the Embassy's Note No. 423 of March 19, 1962 (Esfand 28, 1341).

The Embassy avails itself of the opportunity to renew to the Imperial Ministry the assurance of its highest considerations.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, December 18, 1963.

اداره
شماره
تاریخ
پیوست

وزارت امور خارجه

۲

قرار داد بین المللی وین پس از تصویب از طرف قوه مقننه ایران شامل اعضای هیاتهای تشاری نظامی دولت ایالات متحده در ایران که در استخدام وزارت جنگ ایران میباشند واهد گشت و برای اینکار مجوز جداگانه لازم است وعلیهذا قرار شد هنگام تقدیم فقتنامه بین المللی وین بمجلسین شرح لازم نیز ضمیمه شود که رئیس و اعضای هیاتهای تشاران نظامی در ایران از مزایا و مصونیتها و معافیتهائی که برای "کارمندان اداری ی " موضوع بند F ماده اول موافقتنامه مورد بحث پیش بینی شده برخوردار باشند لبته شمول این مزایا و معافیتها بسته بتصویب مجلسین خواهد بود .

وزارت امور خارجه شاهنشاهی خوشوقت است اکنون باستحضار آنسفارتکبری برساند هیات محترم وزیران بموجب تصویبنامه مورخ ۱۳۴۲/۷/۱۳ با این پیشنهاد موافقت ودهاند و قرار است که هنگام تقدیم موافقتنامه وین منعقد در ۱۸ آوریل ۱۹۶۱ بمجلسین ی یادداشت و یادداشتی که آنسفارتکبری در پاسخ مرقوم خواهند داشت نیز برای ویب ضمیمه شود .

وزارت امور خارجه شاهنشاهی موقع را برای تجدید احترامات مغتنم میشمارد .

Senate Debate

THE SENATE - Saturday, 3rd Mordad, 1343 (July 25, 1964)

BILL approved authorizing American Military Advisers to avail themselves of the immunities of the Vienna Agreement:

Bill No. 2157-2291/18 dated 25/11/1342 authorizing American military advisers in Iran to avail themselves of the immunities and exemptions provided under the Vienna Agreement was discussed by this Committee in the presence of Dr. Ansari, Under-Secretary to the Ministry of Foreign Affairs. After sufficient discussions the Single Article of the Bill was approved with some changes made in the wording and was sent to the War Committee. The War Committee discussed the said Bill in the present of Major General Samii, the Minister of War, and Mr. Mir Fenderesqui, Under-Secretary to the Ministry of Foreign Affairs and approved it while confirming the views of the Foreign Committee. The matter is now submitted to the Senate for first debate.

Temporary Reporter of the Foreign Committee

Abbas Mas'udi

BILL AUTHORIZING AMERICAN MILITARY ADVISERS IN IRAN TO AVAIL THEMSELVES OF THE EXEMPTIONS AND IMMUNITIES OF THE VIENNA AGREEMENT:

SINGLE ARTICLE:

With due regard to Bill No. 2157-2291-18 of ~~1342~~ 25/11/1342 and its attachments which were submitted to the Senate on 21/11/42 the Government is authorized to extend to the Chief and members of the military advisory missions of the United States of America in Iran, who, according to the relevant respective Agreements, are in the employ of the Imperial Iranian Government, the immunities and exemptions provided to administrative and technical personnel under paragraph F and Article One of the Vienna Agreement which was signed on 18th April, 1961 (29th Farvardin, 1340).

Chairman: This bill is now under vote and those who are not against are requested to rise. (majority stood up and the bill was approved). Is there any comment?

Dr. Sadiq: It would be appropriate if the Under-Secretary to the Ministry of Foreign Affairs could give some explanations about the matters mentioned here. The exemptions stated under Paragraph (F) of Article One of the Agreement signed at Vienna since it is hard to recall them, could some explanations be given in that connection?

Mr. Chairman: The Under-Secretary is requested to give some explanations.

Mr. Mir Fenderesqui: As the honorable Senators are aware, the Vienna Agreement which was passed by the Senate had a note attached to it which was signed by the Ministry of Foreign Affairs and the United States of America. It was stated in that note that the Military Advisors of the United States of America who are in the employ of the Imperial Iranian Government are to avail themselves of the privileges and immunities which, according to the Vienna Agreement, are extended to technical employees of embassies. These employees as defined in Paragraph F of Article One are employees who are in charge of administrative and technical duties. That note was exchanged between the Ministry of Foreign Affairs and the Embassy of the United States of America but can only be enforced as a law when it is passed by the two Houses of the Parliament. (Dr. Kasemi: Tell us about those immunities and exemptions). These immunities and exemptions are stipulated in the notes which have been exchanged. As the Prime Minister said there are many thoughts and presumptions which must be removed, as the Senators know that already. It may sound strange to some of you that we request exemptions and immunities for a number of foreigners in Iran but it is not for those foreigners that we request such immunities and exemptions but for the services that those foreigners render to us. It was after a good deal of discussions and consultations with various agencies of our country that we thought it was necessary that we grant such immunities and exemptions and it was only a tax exemtion which exempted their salaries from taxation or their households and food stuffs. Furthermore that is not something which we did alone. Other governments have done the same. The Turkish government has also done the same. The same has been done by the Greek government. That is on the basis of cooperation which we have with the U.S. Government and it would not be advisable that we give the same to other governments because we have no defence pact or mutual defence pact with any other government nor we have some other partner in the defence work of our country. Now, if you want, I can submit the texts of the notes exchanged.

Chairman: Any other comment of general nature? No one. We take vote to discuss the single article. Those who are in favour, please stand up. (majority stood up). The Single Article is under discussions. Mr. Masudi, please.

The Reporter: I would like to make the matter clear a little bit especially for those who have some doubts in this respect. This matter has been discussed in several meetings of the Foreign Committee in the presence of all its members.

Besides Dr. Amir Hekmat and myself, unfortunately the other members of the Committee are not present at this meeting to give some further explanations. Some months ago the matter was discussed in the present of Dr. Ansari, the former Under-Secretary of the Ministry of Foreign Affairs and was given full consideration. Inasmuch as the Vienna Agreement should have been ratified first we kept this matter pending but it was studied thoroughly and we got whatever clarifications that we needed from the Ministry of Foreign Affairs. The matter was discussed a second time in the presence of Mr. Mir Fenderesk1 and it was at that time that the Vienna Agreement was submitted to the both houses of the Majless and was approved. Then this report was sent to the War Committee and was approved there. It was then sent to the Foreign Committee and was confirmed by this committee and then it was sent to the Houses of the Majles. The notes which were exchanged are here and if needed I will read them. You will see that these notes which were signed by the Min. of F. Affairs and the Embassy of the United States of America are such that you will be contented and I am sure that your views are ensured here. I am sure after reading there will be no more misunderstanding.

Chairman: Is there any comment regarding the Single Article? (There was none). The Single Article is put to vote; those in favour, please stand up. (majority stood up) It was approved. Now the bill in general is put to vote. Is there any comment? (there was none) Those who are in favour, please stand up. (Majority stood up). It was approved. The bill is sent to the Majless for final vote. Adjournment. Mid night.

. . .

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OUTGOING AIRGRAM

NO: A-53 CONFIDENTIAL

TO: DEPARTMENT OF STATE

INFO : CINCEAFSA for POLAD

FR M: Amembassy TEHRAN DATE: July 31, 1964

SUBJ: Progress of the Vienna Convention in the Iranian Parliament

REF: Embassy telegram 574 of December 16, 1963

Ratification of the Vienna Convention, with its attached Exchange of Notes defining the status of American military personnel in Iran, has made substantial progress in the Parliament, due to constant prodding by this Embassy; but action was not completed by the time the Majlis took its summer recess on July 26 -- although the package came very close to final ratification.

The legislative process was initiated in the Senate, where the Foreign Relations Committee passed both the Vienna Convention and the Exchange of Notes without difficulty; but matters became a little complicated when the Senate Armed Services Committee decided that the Convention itself should be voted on first, with the Exchange of Notes to be passed after action on the Convention itself had been completed.

This hitch, which had no substantive significance but resulted in some unnecessary delays, would not have occurred if the Government had been alert; but despite our constant prodding with the Foreign Minister, the Prime Minister and selected contacts in both Houses of Parliament, the possibility of arbitrary action in the Senate Armed Services Committee had been overlooked.

Matters were finally placed on an even keel again when the Senate, at the request of the Government (stimulated by the Embassy) voted priority for the Exchange of Notes so that it could be considered during the special session called to consider the supplementary budget. (MAAG had meanwhile been active to assure speedy passage through the Senate Armed Services Committee.) Meanwhile, the Majlis Foreign Affairs Committee

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POL:MFHoare/ajs July 30, 1964

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considered the Vienna Convention itself -- minus the Exchange of Notes, which had not yet passed the Senate -- and brought it to first reading.

One reason for the Senate's protracted delay in considering both documents, we were told by Senator Ahmad Matin-Daftary, a member of the Foreign Relations Committee, was that the translation of the Vienna Convention submitted by the Government was defective; and Matin-Daftary, who is proud of having signed the Convention in Vienna on behalf of the Iranian Government, insisted on personally rendering it into the Persian language.

As soon as urgency was voted by the Senate, the Exchange of Notes was reported out and brought to a vote in plenary last week; and it was passed, but not without subsequent complaint in the corridors from several Senators who voiced objections on the familiar grounds that unusual privileges were being granted to foreigners. "Capitulation" was apparently mentioned. The bill was immediately referred to the Majlis, where the Government again requested the urgency procedure.

As of the time of adjournment of the Majlis, the situation is thus as follows: Action on the Vienna Convention itself has been completed by the Senate and the bill has had its first reading in the Majlis. The Exchange of Notes has also obtained full Senate approval, and it will be dealt with in only single reading in the Majlis, after it has been considered by the Foreign Affairs and Armed Services Committees there.

Ever since before this legislation was introduced, we have been in touch with key Majlis deputies to assure smooth sailing of the bill. Early action by the Majlis when it reconvenes in late September is now altogether likely; but the possibility still exists that news of the disgruntlement of some of the Senators over the Exchange of Notes will filter down to the Majlis and may yet cause some difficulties there.

The Government, which has effective control of three quarters of the Majlis deputies, is thoroughly aware of the importance which we attach to this matter and is prepared to give it a push as soon as the Lower House reconvenes; but the record of past failure and inefficiency in handling this piece of legislation does not warrant complete confidence that no further hitch may yet develop in the proceedings. On balance, however, we are reasonably confident now that ratification will be completed soon after the summer recess.

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Foreign Minister Aram has told me that the Senate was the most difficult hurdle; he believes there will be no trouble in the Majlis.

Stuart W. Rockwell

Stuart W. Rockwell
Charge d'affaires, a. i.

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American Embassy
Tehran, Iran
September 12, 1964

Official - Informal

CONFIDENTIAL

Dear Gordon:

As you know, the Vienna Convention and its application to U. S. military personnel in Iran has passed the Senate and will be taken up in the Majlis when it convenes, probably in early October. We are now getting some rumblings concerning possible questions and/or objections in the Majlis, and Mirfenderesk, who will handle the matter there for the Foreign Office, has asked us for all information which might be helpful. We have mustered the agreements and data which we have here, but could use anything additional that you might contribute. It would, for example, be helpful to know something concerning the present status or prospects of ratification of the Convention in the United States, an up-to-date report on the number of countries which have ratified the Convention or are likely to do so in the future, information concerning any countries in which the terms of the Convention are now actually being applied, and the probable date when a sufficient number of countries will have ratified the agreement to bring it into effect. We have given the Foreign Office the text of the relative portion of the Pakistan status-of-forces agreement. Some interest has also been expressed in the agreement covering our military advisers in India. If this is available and can be used without embarrassment, it also might be helpful. In short, any kind of additional information which would contribute to our position would be appreciated. As the matter will be coming up shortly in the Majlis, we would have to have this information soon for it to be of use.

New subject. We have noted the reports from Kabul concerning Afghan acquisition of SAM missiles. It occurred to me that it might be useful to get to the Afghans some factual account of the unsatisfactory Iraqi experience with Soviet SAM's. This is obviously not the place to do it,

M. Gordon Tiger, Esquire
Officer in Charge of Iranian Affairs
NEA/GTI
Department of State
Washington, D. C.

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but you might try it out on the Turkish Desk to see whether they might want to get the Turks to fill the Afghans in. Our concern, of course, lies in the possibility that Afghan development of this capability might provoke additional Iranian requests for Hawk battalions around Zahedan or Meshed.

You recall the queries from Senator Ervin's office regarding J. A. Jones' difficulties with the judicial processes here concerning claims and counter-claims between J. A. Jones and its Iranian sub-contractor, the Malayer Company. We took this matter up with the Foreign Office back in June and received expressions of concern and sympathetic interest there and a suggestion that the Legal Section of the Foreign Office would be willing to discuss with Jones' representatives what possible course of action might be usefully explored. Then and since then we have informed J. A. Jones Company here of this position and offered to introduce their representative to the Foreign Office. J. A. Jones has not yet asked us to go with them to the Foreign Office. We think this is about as far as we can go in being helpful until they avail themselves of this suggestion. I am not suggesting that you volunteer any of this to Senator Ervin's office, but you should know it in case you get another query from there.

Sincerely,

John A. Armitage
Special Assistant to the Ambassador
for MSP

SA: JAArmitage:vme

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MEMORANDUM FOR THE FILES

September 17, 1964

During the Ambassador's audience with the Shah September 16, the Shah said that Arsanjani had told him that there was some legislation pending which would entail capitulations to U. S. personnel. Should this legislation pass, Arsanjani said the Shah would lose his throne.

The Ambassador quickly asked the Shah whether this had frightened him and the Shah replied not at all.

cc: Maj. Gen. Eckhardt
SA: JAArmitage:vms

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MEMORANDUM

September 21, 1964

TO: The Charge

FROM: John A. Armitage

SUBJECT: Vienna Convention in the Majlis

Khazemi, head of the Legal Section of the Foreign Office, is doing the staff work for Mirfendereski in preparation for the presentation of the Vienna Convention to the Majlis. He called Saturday to discuss some of the possible points of contention.

The most significant point regards the question of whether ARMISH military personnel - as distinct from MAAG personnel - are "employed" by the Iranian Government and, if so, whether they can then be extended the requested immunities.

I told Khazemi that following passage of the Mansfield Amendment, we had extensive discussion with the Foreign Office which resulted in agreement on procedures whereby compensation for these military personnel would be paid to the U. S. Government and not to the advisers as individuals. I said that I thought it would be our view that this would obviate any presumption of an employer-employee relationship with the GOI. Also, I of course reiterated that military personnel were clearly agents of and under the discipline and orders of the U. S. Government in the first instance.

Related to this problem is the fact that the Article passed by the Senate refers to military personnel "who are in the employ" of the GOI. This is the other side of the coin, as a strict interpretation of the Article would be that the Vienna Convention applied (1) to no U. S. military personnel (if our position regarding employment obtained) or (2) only to the ARMISH personnel if the GOI interpretation held. The Article also refers to "respective agreements" and Khazemi indicated that he would be prepared to advance the legal opinion that the bill as worded in the Senate should be applied to all persons covered in the exchange of notes.

However, I note that Mirfendereski is reported in the Senate notes as having referred to "military advisers of the USA who are in the employ of the Imperial Iranian Government."

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In your next conversation with Mirfendereski, I believe it would be useful if you could (1) point out the inadvisability of his using the term "in the employ of the GOI" in his presentation to the Majlis; reference to the advisers should note that they are in Iran at the express request of the Iranian Government; (2) obtain his assurance that the bill as now worded in the Senate Article can be applied to U. S. military and civilian personnel in Iran as described in the exchange of notes.

SA: JAArmitage:vme

CONFIDENTIAL

Jurisdiction

HEADQUARTERS
UNITED STATES MILITARY MISSION WITH THE IRANIAN ARMY
AND
UNITED STATES MILITARY ASSISTANCE ADVISORY GROUP TO IRAN
APO 205. NEW YORK, NEW YORK
OFFICE OF THE STAFF JUDGE ADVOCATE

ARJA 21 September 1964

MEMORANDUM FOR RECORD

SUBJECT: Pending Immunities Bill

1. (C) On 20 September 1964 I met with Dr. Kazemi of the Legal Section, Ministry of Foreign Affairs, at the request of Mr. John Armitage, U. S. Embassy, Tehran. The subject of discussion was the pending Majlis ratification of the Vienna Convention and the accompanying Note making the Convention applicable to American military personnel in Iran. Dr. Kazemi indicated that the scope of discussion was to obtain information to meet possible objections against passage of the bill by members of the Majlis. His first area of concern was based on the actual relationship of the members of ARMISH/MAAG to the Iranian Government. He felt if members of ARMISH/MAAG were considered as employees of the Iranian Government it could possibly be said that the terms of the Vienna Convention did not apply. It was pointed out that an argument existed to the effect that ARMISH/MAAG advisory personnel were not in fact employees of the Iranian Government but could only be employees of the United States Government. That the relationship of employer-employee could not exist from the standpoint of US law particularly referring to the Mansfield Amendment of 1959 which precludes Government employees from accepting reimbursement for services from a foreign government. It was emphasized by me that the relationship of American personnel to the Iranian Government was not that of employer-employee but that the United States could be compared to a prime contractor dealing with another and that American personnel were employees of the contractor — not of the other party to the contractor. Dr. Kazemi indicated that he liked this simile and would prefer to use this argument but he might also strengthen it with the compensation idea. An extract of this law was supplied the following day to Dr. Kazemi where it was emphasized that this bill also provides that arrangments could be made by the United States for reimbursement to be received for services rendered. Dr. Kazemi agreed that the question of past due compensation for American (ARMISH/MAAG) services would not be introduced into any discussions with Majlis members. However, he felt that it was significant that one element which is always necessary for a

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MEMORANDUM FOR RECORD
21 September 1964
SUBJECT: Pending Immunities Bill

relationship of employment, i.e., compensation for services, was missing.

(C) 2. Further, it was revealed that the text of the Senate bill applies the terms of the Vienna Convention to those foreign military personnel who are "employed" by the Iranian Government. Therefore, the conclusion is inescapable that instead of arguing that we are not employees it might even be advisable to extend the scope of the relationship of employer-employee since it is conceivable that the only persons covered by such a law would be those personnel who are accredited (83 in number). Dr. Kazemi assured me that if the bill passed in its present form his interpretation for the Minister of Foreign Affairs would be that all the members of the Mission were included within its scope and not just the accredited members.

(C) 3. With regard to the question of whether ARMISH/MAAG personnel should be within the scope of an employer-employee relationship I believe we should prepare to move in either direction if it becomes obvious that a definition of terms is a stumbling block to passage of the bill. This could be done in one of two ways. (1) One position would be to delete all reference to the term "ARMISH". This would be realistic from a factual point of view since there is no actual discrimination as to the responsibilities and duties of the members of ARMISH/MAAG. The 83 accredited personnel are not the sole advisors to Iranian military. Duties are inter-changeable and MAAG versus ARMISH duties are not delineated. (2) The term "ARMISH" could be left intact for legalistic definitive purposes and all of the persons occupying the 83 accredited slots could be transferred to MAAG positions. The impact on the compensation and transportation benefits accrued by having these slots would have to be closely examined and a decision made by higher authorities as to its desirability.

(C) 4. Scope of coverage of the bill, if passed in its present form, was discussed. Dr. Kazemi was initially of the opinion that it would not apply to lower ranking personnel such as non-commissioned officers in the Field Teams. It was pointed out to Dr. Kazemi that ARMISH/MAAG is not a military organization but operates only to implement the objectives of the diplomatic mission. That basic responsibility for ARMISH/MAAG activities was assigned to the Ambassador. Therefore, this left no doubt that a Sergeant stationed for example in Kermanshah, advising the Imperial Iranian Army, was carrying out the mission of the United States Ambassador in Iran.

MEMORANDUM FOR RECORD
21 September 1964
SUBJECT: Pending Immunities Bill

Further, every person assigned to ARMISH/MAAG was assigned because of his technical skill which he utilized in effecting the mission objectives. ARMISH/MAAG does not have personnel assigned in the sense of a military unit whose actions do not contributedirectly to activities which could be defined as technical or administrative. Dr. Kazemi appeared quite satisfied with this explanation and felt there would be no difficulty in accepting the scope as covering every person in ARMISH/MAAG.

(C) 5. Lastly, Dr. Kazemi and I discussed the question of how criminal offenses, committed by members of ARMISH/MAAG, would be handled in the event the immunity bill became law. I explained in some detail that if a military member committed an offense, from the standpoint of discipline we would exercise court-martial jurisdiction over that person. I also indicated that we would defer to the desires of the Government of Iran in the matter of where this jurisdiction was exercised. Dr. Kazemi indicated that he was positive his authorities would prefer that such jurisdiction be exercised outside of Iran. He emphasized this point by referring to Iran's past experience with consular courts. I explained that at this moment the military authorities exercising court-martial jurisdiction over members of ARMISH/MAAG was the Commander-in-Chief, United States Army, Europe, and that if it became necessary to try a soldier for a serious offense our procedure would be to transfer the soldier to Europe and request that indigenous witnesses be permitted to attend the hearing in Europe at United States expense. If such witnesses were not willing to travel outside of Iran we would request the cooperation of the Ministry of Justice in making such persons available for deposition, and it was further pointed out that the results of trial would be reported to the appropriate Iranian authorities. I emphasized once again the fact that it would be our intention to punish offenders if appropriate under military law. Dr. Kazemi said that this might be a favorable point with members of the Majlis since he was sure that some members would express concern over the fact that some crime might go unpunished.

(C) 6. Dr. Kazemi wanted to know if the United States would waive immunity in cases of particular interest to the Government of Iran. I assured him that this question could not be determined by any one at this level since our regulations required us to submit such requests for waiver to the highest authorities in Washington.

MEMORANDUM FOR RECORD
21 September 1964
SUBJECT: Pending Immunities Bill

However, I emphasized that he must not accept this explanation as being indicative of the United States policy that no waiver would be granted under any conditions. In summary, I simply was not in a position to state what the United States' position would be in advance of a given case.

(C) 7. Considerable time was spent in discussion wherein I outlined to him what the military authorities consider to be the most pressing reasons for passage of this bill. I explained that many persons do not extend their tour in Iran because of the ever-present fear of imprisonment of themselves or their immediate families. I explained that without being unduly critical of Iranian justice, that it simply did not meet the standards of due process which American citizens have come to expect. I emphasized that this fear, whether it be real or imagined, was a definite morale factor and certainly acted as a deterent to the voluntary extension of tours by ARMISH/MAAG personnel. Many facets of the problem in this vein were discussed. Dr. Kazemi indicated that he felt that this personal approach would be very valuable and would assist him in negating any objections by Majlis members that this bill was designed to confer a privilege on ARMISH/MAAG personnel rather than its real purpose of assisting in accomplishment of our mission.

Robert E. Hart
ROBERT E. HART
Major, JAGC
Staff Judge Advocate

4

MFH in-box

CONFIDENTIAL

September 26, 1964

MEMORANDUM FOR THE RECORD

Subject: Application of the Vienna Convention to the Status of American Military Personnel in Iran

The bill passed by the Senate and currently under consideration by the Majlis relating to the status of American military personnel in Iran, authorizes the Iranian Government "to extend to the Chief and members of the U.S. Military Advisory Mission in Iran who, by virtue of relevant agreements, are in the employ of the Imperial Government, the immunities and exemptions applying to administrative and technical personnel described in Paragraph F of Article I of the Vienna Convention ....."

The question has arisen in the Majlis Foreign Affairs Committee whether the phrase "in the employ" (which came out of the Senate) properly describes the status of American military personnel in Iran. At the advice of the Embassy and ARMISH/MAAG, the Foreign Ministry has informed the Majlis Foreign Affairs Committee that, in actual fact, American military personnel are here at the invitation of the Iranian Government and are consequently employees of the U.S. Government and not of the Iranian Government. Accordingly, if the Majlis passes the same bill as was passed by the Senate, the legislative history is to bring out that the definition of U.S. military personnel in the bill is not completely accurate. This is found desirable by the Iranians in order to avoid the impression that "employees" of the Iranian Government are being accorded diplomatic privileges.

Major Hart of ARMISH/MAAG and Mr. Hare of the Embassy discussed this morning whether it would be more desirable to accept the proposed course of action of the Majlis, or whether we should suggest that the Majlis bill be redrawn so as to properly describe the status of American military personnel in Iran. It was noted that in the latter case, the bill would have to go again to the Senate, where the incomplete description of the intended coverage has been written into the bill, and this could result in an undesirable quarrel between the two Houses of Parliament, in further delay in applying the Vienna Convention to our personnel, and in some possible embarrassment to the Iranian Government and to the United States. There have already been rumblings about "capitulations" in the Senate and in the Majlis, and we have been pushing the Government to get legislative action completed as soon as possible. It is possible that the Iranian Government might lose control of the situation if the bill has to go once more to the Senate.

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In looking over the original exchanges of notes which the Iranian Parliament has been asked to ratify, we noted that the record of these exchanges does not really define the status of our personnel here beyond any legal doubt. However, we feel that any remaining possible doubt could be removed in a simple manner, as suggested further below.

We find that the exchange of notes (to which the Senate bill refers) has the following essential elements:

1. The Embassy's Note No. 423 of March 19, 1962 proposed that the Vienna Convention be applied to our military personnel in Iran.

2. Foreign Office Note No. 8296 stated that "necessary studies were made and the result was brought to the knowledge of the Embassy, i.e., the Vienna International Agreement, after its approval by the Iranian legislative power, shall not apply to members of the Military Advisory Missions of the U.S. Government in Iran who are in the employ of the Iranian Ministry of War, which requires a separate legal authority, and it was therefore decided that a necessary statement be attached to the Vienna International Agreement when it is presented to both Houses, so that the Chief and members of the Military Advisory Missions in Iran may enjoy the privileges, immunities and exemptions which are provided for (under the Vienna Convention.)"

It is our opinion that the implication of Note No. 8296 was that no difficulty existed in extending the privileges of the Vienna Convention to American military personnel except in the case of such personnel as may be employed by the Iranian Government.

3. Foreign Office Note No. 8800 of 3/11/63 said "it is agreed to the latter part of Note No. 423 .....regarding the high-ranking members of the Advisory Mission who hold diplomatic passports to give them diplomatic status until they can enjoy the relevant immunities and advantages (of the Vienna Convention), and concerning the rest of the staff of the American Advisory Mission also some studies are underway in order to provide them, too, with more advantages and facilities, and the Embassy will later be informed of the result."

4. The Embassy's Note No. 299 of November 21, 1963, in reply, noted that the Iranian Government will propose to the Parliament that "the Chief and the members of the U. S. Military Advisory Mission in Iran be accorded

the privileges, immunities and exemptions (of the Vienna Convention)" and goes on to say: "The Embassy understands that the phrase 'the members of the U.S. Military Advisory Missions in Iran' is applicable to all U.S. military personnel or civilian employees of the Department of Defense and their families forming part of their households whose presence in Iran is authorized by the Imperial Iranian Government ..... Accordingly, the Embassy concurs that the Ministry's Note No. 8296, together with Note No. 8800, will, when approved by the National Consultative Assembly and the Senate, constitute favorable and acceptable response to the Embassy's Note No. 423 ....." This note is part of the legislative record in the Senate and will presumably also become part of the record of Majlis consideration of the bill.

Nevertheless, we feel that the entire current legislative action of the Iranian Government might be construed as applying only to such American military personnel as are in the employ of the Iranian Government -- even though the U.S. understanding of this action (as per our Note No. 299) is that the Vienna Convention would apply to all our military personnel. This U.S. understanding might still be moot in the eyes of an Iranian court, which presumably will be concerned only with the text of the law itself and not with the legislative history, (a concept imperfectly understood in Iran.) On the other hand, as we read the exchange of notes, it could be properly held that Note No. 8296 indicated that the Iranian Government had a legislative problem only with respect to such American personnel as may be here "in the employ" of the Iranian Government. In other words, the Government has all along had the legal power to grant these immunities and privileges to our military personnel who are not employees of the Iranian Government, and needed only ratification of the Vienna Convention itself to apply them to such personnel.

Conclusion

We feel that for reasons stated above it would not be desirable to suggest that the Majlis revise the current bill to remove the phrase "in the employ, etc.", but that the proposal should be accepted whereby the Iranian Government would simply make explanations to the effect that American military personnel currently in Iran are covered by the Vienna Convention, but that they are not really in the employ of the Iranian Government.

However, it seems to us necessary, in order to avoid any possible

future uncertainty about the status of our military personnel here, that two further actions be taken immediately subsequent to passage of the bill:

(a) A note should be sent to the Iranian Foreign Ministry, and acknowledged by them, pointing out that, after the Parliament has met the problem raised in Note No. 8296, it is our understanding (reiterating what we said in our Note 299) that all American military personnel and their families "whose presence in Iran is authorized by the Imperial Iranian Government" will now enjoy the benefits of the Vienna Convention whether or not they were considered by the Iranian Government as employees.

(b) Steps should be taken to obtain appropriate identification cards for all U.S. military personnel in Iran, in a form which would be acceptable to all police and judicial authorities, as being proof of their immunities from the criminal jurisdiction of the Iranian Government.

We make these recommendations because it is conceivable that after passage of this bill an Iranian court of law might hold that American military personnel who are not employees of the Iranian Government are not covered by the law now being considered in Parliament. In the light of the Iranian acceptance of our note numbered 4 above, and the fact that the exchange of notes was submitted to both Houses of Parliament and considered in connection with passage of the Bill, it seems inconceivable that the Iranian Government would not give us the acknowledgment sought in A above, after the parliamentary action has been completed.

Dist:
1 - Mr. Rockwell
2 - Major Hart
3 - JAA
4 - MFH chron
5 - MFH in-box

POL:MFHart:mja

CONFIDENTIAL

Executive
JAA

American Embassy
Tehran, Iran
October 7, 1964

Dear Mr. Mirfenderesk:

We are delighted to hear that the bill relating to the application of the Vienna Convention to American military personnel in Iran will come up shortly for final passage in the Majlis Shoraye Melli. In this connection, if I understood you correctly today, you said that it is not anticipated that the Government would be required to make any statement in that plenary session.

As you will recall, we recently discussed the question whether the wording of the bill (particularly the words "in the employ of the Imperial Government") might necessitate redrafting since, upon strict interpretation, it is not properly descriptive of what our Governments agreed in the original exchange of notes submitted by your Government for parliamentary ratification. We completely understood the reasons why it has not been found practical or desirable to resort to such a cumbersome procedure. However, as I have had occasion to explain, and as set forth in more detail in the paper which I recently left with you (copy attached), under these circumstances it is especially important that a "legislative history" be established which clarifies the purport of the bill in order to avoid a later situation in which, for instance in an Iranian court of law, a restrictive interpretation might be placed upon the law that is about to be passed by your Parliament.

I am concerned that, if the Government fails to make an explanatory statement to the Majlis, the opportunity to create such a legislative history will have been lost.

The enclosed copy of the paper which I recently handed you recalls the actual scope of applicability of the bill now before Parliament as both of our Governments understand it on the basis of the exchange of notes which your Government originally submitted to Parliament. As you

His Excellency
Ahmad Mirfenderesk
Under Secretary for Political and
Parliamentary Affairs
Ministry of Foreign Affairs
Tehran

are aware, the present lack of precision is due to the fact that, as the bill was recorded in the Senate, it no longer contains an explicit approval of our original exchange.

It would be most desirable if a spokesman for the Government could clarify, when the bill comes up for passage, that it is not intended that the Vienna Convention would apply only to members of the U. S. Military Advisory Mission who are in the employ of the Imperial Government, but that it will apply to "all U. S. military personnel or civilian employees of the (U. S.) Department of Defense whose presence in Iran is authorized by the Imperial Iranian Government."

Sincerely yours,

Stuart W. Rockwell
Charge d'affaires a.i.

Enclosure

POL: MFHerz:vme

CLASSIFIED CLASSIFIED

TELEGRAM

Foreign Service of the United States of America

OUTGOING Amembassy Tehran

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Classification

Charge: Control: 153

Date: Oct 12, 1964
1400

ACTION: Secstate WASHINGTON 398

Ref Emb A-53 and Embtel 371.

Vienna Convention and bill on its application to U. S. military personnel in Iran are both slated for early consideration in Majlis plenary, probably early next week after election of new Majlis bureau and organization of committees. Shah has sent down word that he does not want any trouble, and we expect passage both bills without much overt difficulty. However, there are signs of developing difficulties beneath the surface regarding bill applying Convention immunities to U. S. military personnel (hereafter called status bill), and in some cases such difficulties have also appeared above the surface.

Because Govt has until recently kept tight censorship on all information and discussion of status bill, and since bill was pushed through Senate under urgency procedure without any discussion (see refair), many rumors are circulating at present and there is some talk that bill involves "capitulations". Some of these misconceptions are inevitable and innocent and will be cleared up as soon as Govt provides the necessary public explanations. Some, however, are clearly malicious and involve latent opposition toward Govt and nationalist agitation with anti-American overtones.

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Page 2 Date:

We are in close touch with Majlis majority and minority elements and are struck by present defensiveness of members of Foreign Affairs Committee which recently passed the status bill. They tell us they are presently assailed by colleagues in Majlis and other contacts who in most cases hold quite outrageous misconceptions about the bill that Majlis is about to pass. It is obvious that despite efforts of friendly and well-informed deputies, and despite our own explanatory efforts, these are so far insufficient to dispel all misunderstandings. FonOff recognizes this problem and has assured us that Govt will make real effort to place true facts about bill before Majlis and before the public.

Meanwhile situation has become somewhat muddied by appearance last week of erroneous and inflammating articles in minor press organs Ashang and Peigh Emrus. Ashang has been banned by censors after publishing article apparently written by anti-American rabble-rouser Ahmad Aramesh. How Peighame Emrus article could appear is less clear since that paper is in close touch with Govt agencies. In any event there is evidence of nervousness in Majlis and Govt, but no lessening of resolve to push ahead and put law on the books as soon as possible, particularly since the Shah has made it clear he wants this done.

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TELEGRAM Foreign Service of the United States of America
OUTGOING

Charge: CONFIDENTIAL Classification Control: 153
Date:

Yesterday Mahmoud Vaisi, Chairman of Majlis Foreign Affairs Committee, went to see Foreign Minister Aram to discuss what can be done to convince people that civil liability is unaffected by Vienna Convention treatment of U. S. military, that that treatment is not unusual for military missions, and that no derogation of Iranian sovereignty is involved. It was decided that Govt will make comprehensive statement to Majlis about what bill does and does not provide, and that Govt will see to it that that statement is carried in toto by major newspapers.

New Iran Party is holding caucus this morning to have private discussion of status bill and thereby avoid excessive debate when it comes to floor next week. Prime Minister himself is to attend and provide explanations. We think this meeting will help calm the atmosphere, but we also think that after the bill has passed we must be prepared for some gesture on part of regime to "prove that it has not sold out to US." While we do not know what form such gesture might take, it is well to be prepared for it so that it can be seen in proper perspective as meeting an internal problem which Govt has permitted to arise because of its reluctance to permit overt discussion of political issues.

GP-3

ROCKWELL

POL: MFHerz:mja:vms

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DEPARTMENT OF STATE
WASHINGTON

October 13, 1964

CONFIDENTIAL
OFFICIAL-INFORMAL

Dear Jack:

I'm sorry to be so tardy with the supporting information about the Vienna Convention which you asked for so long ago, and only hope it is not too late to be of possible help in the situation described in Embtel 398.

The Convention itself entered into force on April 24, 1964, when the required 22 countries ratified it. As of now, 33 countries have ratified, with one more (Venezuela) very close to ratification. We ourselves are not doing so well: the bill was introduced into the Senate on May 14, 1963, and there is no prognosis of any kind as to when it might be enacted. As to application, there is no reason to believe that it is not being applied, at least as regards minimum standards, in all of the 33 countries which have ratified. In exoneration of our own position, it might be pointed out that our practice has always been more liberal than the minimum standards set forth in the Convention, so our liesurely legislative handling is not a reflection of any backwardness in meeting reasonable standards for treatment of diplomats.

The agreement covering our military advisers in India has not yet been signed; when it is, I shall see that you get a copy, even if this comes after Majlis ratification, so that the Iranians can compare notes.

Thank you for the information about the J.A. Jones problem; we will hold on to it in case there is a further inquiry from Senator Ervin.

I am also taking up your suggestion about the Afghan SAM's and hope we will be able to follow through on it in some fashion.

Meanwhile,

John A. Armitage, Esquire
Special Assistant to the Ambassador for MSP,
American Embassy,
TEHRAN.

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automatically declassified

Meanwhile, we shall be watching for the "gesture" forecast in Embtel 398 and relying on your advice in helping us to identify it.

Best regards,

Sincerely,

Gordon

M. Gordon Tiger
Officer in Charge
Iranian Affairs

CONFIDENTIAL

CHAPTER

II

Prime Minister: I am pleased these speeches were made by Their Excellencies Sartip-pur, Sadeq Ahmadi and Fakhr-Tabatabai resulting in my explanations here, w if convincing, of course the bill introduced to Majlis will be approved, and if my explanations were not convincing, and, the government will carry out the Majlis's decision. The matter which was pointed out to for disputing this bill; of course it is not my task but the Majlis itself; and His Excellency the Speaker of Majlis has paid his consideration to necessary points. However, on this subject that the military advisors/be officially noticed whether or not in due time their services continue the government requested the Majlis, before H.E. the Speaker of Majlis went away on the trip, to approve this, and Mr. Speaker told me; unfortunately, the Speaker left on Thursday; and I was prepared to see you gentlemen, but since Tuesday coincided some ceremonies it became impossible; and I said that would be all right since you would give necessary orders after your departure; and I didn't deduce that he might have recommended the necessity of approval of other committees for granting diplomatic rights to a number who are at the service of the Iranian Government. I didn't deduce this from his talks. May be I, as H.E. Sadeq Ahmadi, made this mistake. Regarding the speech made by H.E. Sartip-pur, I don't suppose anybody, amongst those supporting the Constitution, might allow himself to even think against the Constitutional Law

or to defend a thing against the Constitutional Law (Bravo: said deputies). As a matter of fact, the Constitution has protected and will protect foundation of countries; and this Majlis is the one which is safeguarding the Constitution; and if it was not observed during the interregnum this Majlis has made and will make a good of it. Indeed, the philosophy and spirit of the Constitutional Law is fore the welfare of the nation; that the correct method of the Shah and the people's revolution is the best way for enforcing the revolution that has appeared in the country, i.e. the best respect to the Constitutioanl Law. On this bill which is being disputed today it is only granting diplomatic immunity privilage governing a part of regulations of Vienna Convention which has just been approved and is necessary to enforce; this privilage is given to a small number of those who are needed by us for technical affairs at the service of the government, who are not forced to accept and extend the government's service if they are not given these privilages. Alike to this privilage /There have been numerous cases which were approved by Majlis of Iran (Safipur: Please indicate the similars). Alike to this: All international institutions, attaches of the United Nations, experts of W.H.O. and F.A.O. and experts of the American Operations in Iran have enjoyed these privilages, and its respective law was passed by Majlis and this was not contrary to the Constitutional Law of Iran and their Constitutional Laws.

This is the privilage that the government and Majlis that consider them necessary, include them with their own country's diplomatic cadre, and this is at the disposal of the government and the Majlis; if they didn't want they will say we needn't these persons; but regarding the American military advisors with the Iranian army: I think the Iranian army has had this honor in safeguarding the rights and borders of Iran after the World War II under the leadership of Shahanshah (Correct: said deputies); and the military aids which were usual after the World War II and have been done to our country in a minimum way and the aids of our friendly American government it must be said that it has been respected by Iran after the World War II and cause no misunderstanding, and the aspect of technical expert at the service of the Iranian army would not create this misunderstanding specially that the method of the foreign aids have been changed and the agreements for the foreign aids which were made in the year 1322 have been changed. Today we must secure our requirements by ourselves; as the modern and mechnized means of the world of today and the aids which have been given to us and the foundation and means we have today must be together with speciality and technique of those countries which make them. We need a small group of experts that is necessary for technical instructions in the diciplinary force of the country; and this group according to paragraph ./.

agreed on by Vienna International Convention and similar to Technical Missions of the United Nations, other agreements alike to Point Four agreement which was said are not at all contrary to the Constitutional Law but is a diplomatic immunity privilage given to a small group of technical experts under the employe of the Iranian government; particularly I wanted Eng. Behbudi to pay attention to this fact that these individuals are at the service of the Iranian government and are commissioned by the Iranian government; the agreement is good for one year and subject to renewal or cancellation at the end of every year. Therefore, as long as it is necessary that the technical individuals be at the service of the army they will enjoy the privilages requested by them, approved by the government of the time and also is confirmed by the present government (a deputy said: because they at the service of the government of Iran they must responsible to the government too), they are responsible to the government of Iran, whereas at the time one needs foreign aid the international relations are governing the interests of the two governments; and this is the agreement which you just approved (a deputy: What benefit these advisors are giving to the Iranian nation?); I will say that: The effective aids given to Iran and other countries of the world after the World War II, rescue of the world from a full collapse are not permitted to be neglected by you and I. It is for the attention of H.E.

Rambod and H.E. Behbudi that when the method of military aid was changed the then government, i.e. the previous government was requested this; the Majlis was not started then; the then government, I always have great respect for it and its honorable head/ who created Mardom Party which is in turn respected by us, accepted this to give these privilages to these advisors, and a Note was prepared upon his instruction that this agreement would be approved by both Houses after open of both Houses and approval of Vienna Convention alike other Decrees which were issued during the course of interregnum. Therefore, the present government is defending it/today because it respects the decision made by the previous government and because it deems it fully necessary. I want you kindly pay attention to this fact that this is a practicable agreement and is not contrary at all with the Constitutional Law; and Notes were exchanged by the then head of government who had created the honorable Mardom Party; and this Note is respected and confirmed by this government appointed and relied upon Iran-e-Novin Party; and it in no way is contrary to the Constitutional Law; and these individuals are at the service of the Iranian government; and similar privilages have been given to other departments and technical staff. I, therefore, want to ask Mr. Mir-fendereski, the honorable Undersecretary of Foreign Minister, to bring to the notice of the honorable deputies the notes which have been prepared and similar to this ./.

agreement which are carried out in other countries with joint cooperation of the American government and have observed such privilages considering the Vienna International Convention. I think my explanations and his will be enough for a complete approval and the calm conscience of all the honorable deputies of Majlis (Bravo).

(page 41 of the Official Gazette - Majless discussions)

THE PRIME MINISTER: After having given such a detailed explanation regarding the matte thought there would be no need of going into further details but as every remark has an answer and most probably those make such remarks, it is their patriotism which urges th to say what they say and as in most cases they are not fully aware of every detail, it is therefore required that the government give its reply to those questions lest there may arise some misunderstanding. I have already said that the Governments of Iran and America had to make a revision in their agreements every year; and, as the US aid syste to foreign countries has already undergone some changes and it would not be possible to stop the country and the Army from submitting their technical deemands, the former gove ment informed the American Embassy by a note of its consent and the American Embassy replied in a note, on behalf of the American Government, of its approval. I have been given a written reply as to when the said notes were exchanged. They were exchanged some time in the month of Mehr, last year, i.e. six months before my government took ov the office. I can say that the exchange of notes was very timely and it was necessary do so and what has been done was quite right. As I said to approach the problem out of mere emotions is not at all correct or reasonable. (True) Because, as Mr. Zehtab Fard has already said, it is not surprising to hear people in the bazaar or/street corners who are used to talking politics without any real information say such things but at a place important as this is such matters must be interpreted and discussed with a diffe attitude; the country's interests must be approached from a different angle and there s be the courage and power to take some positive and real steps for the fulfillment of th country's affairs otherwise nothing positive will be done for the country. We will be forced to please everybody some of whom might have some special incentive. Among those who are not fully aware of the internationa problems and their technicalities, unfortu there will be some who will be vulnerable to influence. When I submit a bill to the Ma I submit it with all respectability as I think whatever is submitted to the Majless is bound to be submitted with respect (swell) and this bill which was submitted today by t government was with the belief that our Army is in need of technical aid and these are the most essential and primitive needs that any country in the world which is in the same situation as we are needs. Such a bill has to be defended by my government even though it was not submitted by me at the beginning. It is better to have the misunder-standings about the bill cleared here at the Majless. It was said that I have a tenant; I would like to say that I have only one house where I live and I have no tenant at my house. If a relative of mine or someone else has that cannot be a problem to be mention

here nor one should permit himself to announce here that a foreigner can do a lot with the fate of the country. Such matters should not be disregarded. I would rather say nothing more than this but what I said, brief as it could be, will suffice to reply all your remarks. One must talk truth and should be honest. This bill affords absolutely no ground for such remarks. If you have heard someone say something out of this place, you can be sure that that is not the opinion of the public (true). The opinion of the public is the one which is/strengthened by the approved and positive work of this government under the leadership of the Shahanshah and the honest services of this Majless. It is such remarks that misguide our people and deviate them from the right path, and those who are guided by their malignancy and who betray this country, whether from the inside or outside the country, make use of such remarks. (Javid - that is not true). We should not allow, with our unity, cooperation and alliance, the infiltration of such ideas , (true) and that at such a time and during the administration of such a government. Never should the country's prestige and independance be undermined. Ours is not a dictatorial government nor the country is without a head. It is absurd to think that others realize our problems better than we do nor they know more about the matter than we do. There is no such thing. It is the country's Shahanshah, the nation's House and the nation's trustworthy and honest government who know it better. If we approach these problems overtaken by our emotions or pass judgement on the matters on the basis of gossips we will get nowhere. The decisiveness that I mentioned here which is so essential for the fulfillment of positive work for the country is what this government strives for. It is the government which must lead the nation on the path to progress and happiness. You cannot rebuild this country with deceitful and negative words. I do not want to go into further detail but the little that I said is an answer to what some said for hours.

Rambod: Mr. Speaker, you should not allow him speak like that. (unrest among the deputies).

Javid: You better speak more politely (Deputy Speaker rings the bell).

The Prime Minister: I speak politely. (Javid - speak politely). I mean those who talk senseless outside the Majless, who think that way. Your Excellency, Mr. Rambod, if nothing else, at least politeness and decency are part of my character, (Swell) and I know what to say. You can be sure that I stay within the limits and it is not for no reason that I head this government. (True, swell). I only ask the honorable representatives to approach the problem realistically and with all the explanations given by the government, a government which was chosen by you and which is commissioned by the Shahanshah and enjoys your full support and we all walk the same way and render the same services. I have

said it more than often that the government and the Majlees are in no way divided from each other (True) and there is nothing that we do which is not supported by those who trust us and have belief in us. This unity and cooperation of the Majlees and the Government is the biggest honor we have had. We all want to think and act in the same manner. I do not think that patriotism can be the monopoly of a single person (Javid: It is your monopoly alone) or be the property of one person. We never say so and so is more patriot than such and such a person. Consistent to what I said, I would ask Mr. Mir Fenderesky to read the identical parts of the note exchanged between the Governments of Iran and America a year ago as there was no Majlees at that time and the reading of the parts mentioned was postponed until the approval by the Majlees. I am sure there will be enough in there to reply some of the remarks made. I will let Mr. Mir Fenderesky use the remainder of my time for reading the notes which will serve to further the information of the honorable representatives. (Well, well).

MIR FENDERESKI: (Under-Secretary to the Foreign Office) - The American Embassy in its note No. 423 dated 19th March, 1962 (Esfand - 1340), while approving the extension of the services of the American Military Advisors in Iran for another year, requested, for the purpose of clearing the status of the staffs of these missions and facilitating their discharge of duties, that the members of these staffs be permitted to avail themselves of the privileges and immunities foreseen in the International Treaty of Political Relations of Vienna in the case of administrative and technical employees ~~xxx~~ signed in the year 1961.

In this respect lengthy correspondence was exchanged between the Iranian authorities and the American Embassy. Consequently the Council of MINISTERS at its meeting of 13th Mehr, 1342 approved that after ratification of the Vienna Agreement by the two Houses of the Parliament, the chief and the members of the American military missions in Iran be allowed to avail themselves of the privileges provided in the said Agreement for administrative and technical staffs.

The respective bill was submitted to the Senate on 25th of Day, 1342 and was approved on 3rd Mordad, 1343 and was sent to the Majlees for approval after the summer vacations.

According to the Single Article approved by the Senate and which is now submitted to the Majlees for approval, the government is authorized to extend to the chief and members of the US military advisory missions in Iran, who according to agreements signed are in the employ of the Iranian Government, the immunities and exemptions provided to administrative and technical employees as defined under paragraph F of Article One of the Vienna Article .....

Types of Immunities - Immunities and exemptions extended to administrative and

technical staff under Article 29 to 35 of the Vienna Agreement. (Provisions of the said Articles are attached hereto).

It is interesting to note that according to Paragraph 2 of Article 27 of the Vienna Agreement, the immunities to be extended by the accepting government in matters relevant to civilian and administrative affairs do not include affairs other than administrative and technical duties assigned to them. Therefore, the immunities extended to such personnel unlike those fully extended to diplomatic personnel, shall be limited.

With due regard to this very important matter, it is understood that in case those falling under this Article be assigned civilian or administrative tasks beyond their administrative duties, by surpassing their rights, they shall become liable to judgement executed by the competent authorities of the accepting country.

1) American military advisory missions in Iran and their personnel are sent to Iran in the year 1322 on the explicit request of the Iranian Government for the purpose of fulfillment of duties as requested by the Iranian Government. (Payendeh: What is all the story about? Read slowly). I think of you. (Payendeh: Think of those who are old). Who are old but with a young spirit.

2) American military advisory groups ~~xxx~~ carry out duties in 38 countries as requested by those countries and in all those countries they avail themselves of the immunities extended to diplomatic staffs according to their respective agreements. The said agreements are sometimes bilateral like the Greece-America agreement of 1946 and the agreement signed between America and Pakistan in 1959 and sometimes they are multilateral like the multilateral treaty of North Atlantic or the SEATO.

Thus you see in every country where there are American ~~xxxxxx~~ military employees, other members of advisory missions or combat staff, their rights are protected by bilateral agreements known as Status of Force Agreement or by multilateral agreements (North Atlantic Treaty or SEATO).

Countries which accept American military personnel either advisory staff or combat staff give up their penal jurisdictions in their case on the basis of agreements which are concluded in that connection. But as already stated and as it is mentioned under Article 37 of the Vienna Agreement this ~~deprivation of competence~~ waiver of jurisdiction in penal matters does not impair the competence of the authorities of the host country ~~to deprive it from~~ in any way. ~~the right to look into~~ its civil responsibilities, payment of compensations, ~~payments~~ redress losses in cases where ~~such felonies are committed~~ their acts did beyond the ~~limit of~~ their duties.

This fundamental and essential point was taken into consideration in the discussions which were concluded between the Foreign Office and the U.S. Embassy . The American authorities have officially and explicitly stated that in the case of application of the provisions of the Vienna Agreement, the American military personnel and staff shall be subject to prosecution according to the Iranian law if the rights of an Iranian are denied to him.

Something which is worthwhile to note is that in the agreements signed bilaterally between America and other governments it is stated that it will be up to the American military authorities in the first place to judge whether somebody's rights have been tresspassed and whether a case is open to prosecution because it took place within the limits of the offender's duties or beyond such limits, whereas although the immunities as stated in the Vienna Agreement are granted to administrative and technical personnel that right of verification is reserved to the Imperial Iranian authorities.

TABATABAI: I am against it.

DEPUTY SPEAKER: Mr. Gharachorloo are you in favor?

GHARACHORLOO: I have no intention to say anything in defence of the bill since His Excellency the Prime Minister and some of my colleagues have already said a lot about the bill. I am only very sorry and in fact may be all the deputies and every member of our nation who is patriotic should be sorry about is that some remarks are made here which should not be made. This is a government appointed by the Shahanshah and is approved by the Majless and is supported by the majority of the deputies; a bill is drawn up by this government which is submitted to the Majless (Eng. Riahi: It was the former government which drew up the bill). The former government drew up the bill but the present government has submitted it to the Majless. To say that the present government has submitted a bill to the Majless which is against the Constitutional Law of Iran is not right (True) (Eng. Moini Zand: Won't do it). This bill is in the first place connected to the Imperial Iranian Army. We all know that the Imperial Iranian Army has in the past rendered very valuable services to the country under the leadership of His Imperial Majesty the Shah (That is right). This bill is sanctioned by the Minister of War, a Minister who discharges his duties under the direct supervision of His Imperial Majesty the Shah. (That is right). Therefore, to say that this bill is an encroachment to our Constitutional Law is not right because the person standing above all is the Shahanshah who is well aware of the things and enforces the country's laws (That is true). You can be sure that should this present government which is supported by the majority of the Majless deputies and members of the Iran-e-Novin Party submits to the Majless a bill which is contrary to the Constitutional Law we will rise

against the government in the first place (Rowhani: Will never submit such a bill). Some said here that they would raise the curtains. I want to say that in our country there is no curtain to be raised (That is right). The Sixth of Bahman Revolution under the leadership of the Shahanshah broke all the barriers and tore down all the curtains. Thus there is no more curtain in our country. Those who say that they will pull back the curtains they better do so. We shall then see what is behind the curtains. Our country has always been and is an avant garde of civilization. We have a history of 2500 years of civilization. If in the past centuries some attacked us they eventually fell a prey to our ideas and civilization and vanished. We have never been a colony and shall never be one (That is right). (Dr. Za'franloo: We even don't think about such a thing). Our relations with foreign powers is based on mutual respect and is so clear that nobody should have any doubts about it. His Imperial Majesty in his inaugural speech at the Senate said, "The fate of our country within our country is determined by ourselves" (That is right) That is what the Shah said and when the Shah says that we are the masters of our destiny it is a grave mistake to say that this bill which is submitted to the Majless deprives us of our rights. In fact we should have no doubts and should say nothing of the sort. As I said this is a bill submitted by the government to the Majless. In the same way that diplomatic officials are benefiting from some immunities, in this bill the same immunities are requested for military officials who are in the employ of the Iranian Government. According to the The Iranian Government can either employ them or terminate their services. (One of the deputies: It is limited). (Sadegh Ahmadi: What are its limits?). His Excellency the Under-Secretary read all the texts and correspondence which have been exchanged in that connection. Those of my colleagues who are in the Iran-e-Novin Party and who attended the numerous meetings at which this bill was discussed have already expressed their pro and con ideas, although there was no con, and there were some who had some explanations to give. The matter was discussed at the Party meetings sufficiently and it is hoped that you will give your approval and with the positive vote that the majority will give it is hoped that this bill will be approved and the government will be given the support in the services that it renders to the country and the nation. We all hope that this government will do nothing derogatory to the country. (Well).

DEPUTY SPEAKER: Some proposals are received from a number of the deputies which will be read. The following was read:

In view of the fact that the meeting has lasted so long, it is requested that the remainder of the discussions be postponed to Thursday. Mostafavi, Nayeri, Tabatabai, Javid, Dr. Baghai Yazdi, Habibi, Rambod, Payendeh, Rejai and several others.

unrest and uneasiness are inevitable. There is a decree and some immunities. I shoul
say that those immunities are limited. They are limited in financial matters and unli
in penal matters. These are mentioned under Article 2. I am not partial. I have been
a student under the Under-Secretary of the Ministry of Foreign Affairs. (The Under-
Secretary, you are my professor). These immunities are extended currently. Some said t
we better let the matter go until tomorrow; some said for the day after tomorrow. I
wonder what is all the hurry about. Some say that we better continue with our discussi
All right. I will stay and shall not quit this place without your permission. Fortunat
I have not missed any of the Majless meetings. I do not know what will be my vote.
I know that a decision will be made. The Prime Minister is here and we see him after
a long time. However, pro or con it was a warm discussion. All what everyone said was
said out of patriotism. Of course everyone had his point. It is said that a shield wa
once put on a roadside. That shield was red on one side and white on the other. Those
passing some would see the red side and some the white side, but it was the shield whi
was there. How can one say that he is right and the other wrong. Some say that we le
the matter to the next meeting and some say that we better finish it up at this meetin
During my life time I have seen many a good people in this Majless that I could not fi
anywhere else in the world. During the 22 years that I have been staying outside the
gates of this Majless and Mr. Khosrowani who was a student in the elementary grades du
those years is now a minister. I just do not know what he thinks about the urgency of
bill. Is the attitude of the government the attitude of the majority? Is the camel at
gate and a decision must be made in all haste? I have one vote and that I will give wh
needed. I would ask everybody show his good will. Why should we hurry in such a matte
It is not one of those ordinary bills exempting the tractor duties of so and so. We c
have another meeting. It is natural that when we realize something fully we can say
yes or no. I may not approve all what Mr. Zehtab said but I also cannot say no word of
praise. This is where the matters have to be discussed. In the same way that the Gove
ment brings its bills to this place, we have our right to talk about those bills. Ther
is no one-man chess play. There are two people involved in it. I therefore ask that t
meeting wind up now. I cannot stand so much starvation as I have starved enough during
the early stage of my life. An hour or two will have no effect on this bill which is
debated by a Majless which is ardently supporting the Revolution. That is all I would
like to say.

DEPUTY SPEAKER: Let us take vote on this proposal. Those who are in favour (Khajenoori
We cannot discuss the matter on Thursday. That is for elections). We will read the
proposal again.

It is suggested that the Majless adjourn today and take over the matter on next
hursday. Mostafavi, Nayeri, Tabatabai, Javid, Dr. Baghai Yazdi, Hosseini, Rambod, Payendeh,
ajai and several others)

EPUTY SPEAKER: Those in favor would please stand up. (Just a few stood up) Move not
pproved.

There is another proposal: Read as follows:

onorable Speaker of the Majless:

Inasmuch as the matter has been fully discussed, I propose that we vote for
fficiency of discussions. Khajenoori.

EPUTY SPEAKER: Mr. Sartippoor, you seem to be against this proposal, please.

ARTIP-POOR: I should only get involved in this matter as one vote and one person. I can
nly give my vote when I am well aware of the matter. I said that this bill is against
ur Constitutional Law. Some objected to what I said. I had my reason why the bill is
gainst our Constituional Law but those who objected had no reason for what they said.
t was then said that the bill be passed over to the War Committee and Justice Committee.
is not
t was objected that this/an entirely internal bill. Therefore it is a foreign bill.
f it is a foreign bill it cannot be termed as one-urgency clause bill. As this is a
asic bill our votes therefore will have no effect if it is basic. However, it is the
ation which must judge about it; it is the representatives of the House who should pass
dgment. Do not impose your will. The majority can be cruel in its judgement. This nation
st have principles or not? If there is a principle, then you must respect it. If there
not, then whatever is ratified, it is you who do it. Let God and the nation know that
commit no sin. (Swell).

EPUTY SPEAKER: Mr. Khajenoori, please.

. KHAJENOORI: Mr. Sartip-poor, you said things which I know you uttered out of
ur sincere feelings and your personality and what you said put me in somewhat
easy situation. I would never expect to hear such a complaint from you. (Sartip-poor:why?)
will tell you why. Because whatever that was needed and whatever that was asked was
wered and explained here. Now, what we should say again will only be repeating what
s already been said. I do not question your good will as well as the good will of
other colleagues who talked about the matter. I admire you and that is not a compliment.
t as you said that if we make a decision we will be sharing with
mething sinful, I would like to tell you that even in that case I shall not feel myself as
eone with guilty conscience. I would like you to realize that our
untry, with the pacts that it has and with its present international status particularly

with her position in the Middle East is a country politically independent in every way. It is the master of her destiny. If we are in need to have a few instructors in our Army in order to train our soldiers with the new equipment and weapons and if it comes the point that we can have those instructors provided that we grant them some immunities that cannot be interpreted as something undermining our independence (That is right). Unfortunately, I am forced to give some answers to what he said as he said things which are irrelevant and my replies cannot be anything different. We have some here today wh are instructors and teachers and have no power in our Army. Some are afraid that these will abuse their powers. It is only a seargent who instructs our soldiers how to handle a Bazuka weapon; it is only a pilot who teaches how to fly a jet plane; it is only an officer who trains our soldiers some tactics as how to handle new weapons. He gives instructions as how to handle such weapons and what effects they can have in war tactic These are all instructors and advisors. They have no power to command. Mr. Hoseini who an army colonel knows what I say. It is only those who are staff officers who can comm If it is only an officer who teaches and trains that does nOt mean that he can command. Why should the representatives be so much worried about the matter. This bill has been studied very carefully. It was discussed now and as it will only be a waste of time, t I made such a proposal. It is of course up to the Majless (Some deputies: let us take

PAYENDEH: I am against it:

DEPUTY SPEAKER: As to the sufficiency of the discussions we already had one for and one against. We therefore take vote. Those who would vote that we have discussed the matter sufficiently would please stand up. (The majority stood up). Now we will take vote on the Single Article. Those in favor, would please stand up. (Majority stood up). Approved. The Single Article is put to debate. Mr. Tabatabai, you have something to say please.

TABATABAI: I have nothing to say.

DEPUTY SPEAKER: Mr. PAYENDEH My vote which is one in 188 votes will be given in time. Some words PAYENDEH were uttered here, such as, limited, unlimited, competence, etc. which I would like to explain and would also ask the Under-Secretary to give some more explanations. Somethi was said here but contrary to all that was said the matter is still ambiguous. May be I not able to realize the matters very quickly. I hope some who are smart did unde stand everything and will therefore help me understaad as well. His Excellency, the Under-Secretary of Foreign Office said that those immunities are limited. Immunities in civil matters are limited but in penal matters are unlimited. That does not put an to the matter, but there is something which I ask you to pay attention to. As you know

affirmative vote it will then mean that we do not give a vote of confidence to our govern-ent. (A number of the representatives: We will give our vote).(Gharachorloo: Who said so? e won't.)

DEPUTY SPEAKER: Is there anything you would like to add, Mr. Prime Minister?

PRIME MINISTER: I should have given some more explanation. The letter written to the American Embassy by the Ministry of Foreign Affairs in the month of Mehr, a year ago, and that letter will be the basis of what we will do in the future (one of the representatives: Was it during your administration?) It is only six months I am in the office. I was not heading the government at that time. In that letter it is stated that the chief and members of the military advisory missions in Iran will benefit from the immunities and privileges provided for administrative employees and even the provisions of paragraphs so and so to the end will benefit. Therefore there is a lot to that. When in that letter the Vienna Convention is mentioned it means that that is agreed with. Therefore the matter will in no way be applicable to servants, maids, etc. Some of such stuff might have been mentioned in the Vienna Agreement but in the letter written to the Embassy by the Ministry of Foreign Affairs it is only stated the chief and members of the missions. As to what Mr. Payendeh said, the American authorities have officially and explicitly announced that in case that the Vienna Agreement be made applicable in the case of American advisors, if the civil rights of an Iranian be abused by any of those Americans the case will be prosecutable according to the Iranian law at Iranian courts. Therefore, the immunities granted will in no way affect the routine life of those benefiting. If some one has some claim which is happending during the time that and his rights are ignored and it is something/ administrative and military duties are discharged, the offender will be prosecuted. In penal matters they will also be subjected to punitive measures but as that might create some complications, it is the provisions of bilateral and multilateral pacts which will be applicable. (Sadegh Ahmadi: What about in the case of car accidents, such as the one which happened several days ago where an American seargent killed three people in that accident?). As said there are some bilateral and multilateral laws and if no such cases were to take place there would never have been the need for such pacts. As it was mentioned, we have now some equipment, such as radar network, supersonic jet planes and we have a lot more demand for other things. As we all know all these astonishing achievements in every free country now are all that the American industry has given. Of course there are some pacts which are binding. Suppose it was the French government whichhad given these to Iran such an agreement and pact would have been signed with the French government. Of course there must be some

reasonable limits to them. These limits are stipulated in the respective pacts and if after agreement such pacts are to be torn then they cannot be called pacts. (Sadegh Ahm If a crime is committed by a seargent then what?) As you mention such a case I should s that the American military officers who serve in the army are members of military missi It is quite possible that an expert of electronics or radar is in civilian clothesyhe i not a military man then. In such a service there is discrimination as this one is an offcer and the other is a civilian. They are all in the employ of the Army and the government will apply the regulations in their case all alike. One can be an army colonel and another an aeronautical expert or a radar network expert. In the American Army itself there are many such civilian experts and some of such people serve our army I mean the technical staff or in other words the experts.

DEPUTY SPEAKER: Is there anyone against the proposal made by Mr. Rambod? Mr. Khajenoor

KHAJENOORI: I want to say that what Mr. Rambod says is out of his good will. However, want to remind you of something and that is that these people are in the service of the Iranian Government and our government can terminate their services in case that so shortcomings are noticed and can even expel them from the country. Therefore, there is no need to limit their stay to one year or two years. They can be in the employ of the government as long as their services are useful to our country. Should the Minister of War find that one is trespassing his limits and violates the re tions he will terminate his services right away, and will deport him. (Rambod: I will agree if you delete that one year).

DEPUTY SPEAKER: Mr. Fakhr Tabatabai, you are for the bill, please.

FAKHR TABATABAI: I agree with the proposal made by Mr. Rambod. Of course it is always good to have a matter discussed and debated in full. I am now clear about the bill wit the explanations given here by the Prime Minister and others. Although by submittal of bill it is not the intention of the government to extend privileges to every incompete member of the advisory missions, I can see that those who are competent, who are exper in technological matters and are military officers can avail themselves of the privile The bill as is submitted after approval will be singed into law but we will still have discuss on the matters as exchanged by the government but if the matter be summaris a little bit there will be no more need of such further discussions. In that manner th government will have achieved its objective and the Majless will also be confinced. W never think about things which are not real; we take matters into consideration as far they are not detrimental. That is the reason why I asked to have the matter studied b the Justice Committee and if it had been done so, there would be no such discus here. Then some amendments would be made and the bill would be presented in a better

in that way it would better incomrporate the views of the government and those of the Majless. For the same reason that a foreign diplomat has the right to benefit of i munities, a high-ranking advisor who is useful to our country should benefit from such privileges. This bill as it is now can sometimes give cause to some troubles. Mr. Rambod's proposal is one which modifies the matter and I think if my colleagues agree with it, the matter can be considered as something settled where the views of the government as well as the views of my colleages are coordinated.

DEPUTY SPEAKER: Mr. Prime Minister, please.

PRIME MINISTER: I was going to ask Mr. Rambod to take back his proposal as all the agreements are concluded for a period of one year (Rambod: We fully trust you and the Ministry of War). I request that no changes be made in this Article. Your views are already observed here. (Rambod: I would request that when the Majless gives you its vote you accept it).

DEPUTY SPEAKER: Mr. Rambod, do you take your proposal back?

RAMBOD: I do so, but it is understood that the agreements are for one year.

DEPUTY SPEAKER: You did?

RAMBOD: We cannot force the government if it does want it.

DEPUTY SPEAKER: We should presume that you did take your proposal back. There is another proposal made by Dr. Mobin.

(Reads as follows):

I propose that the clause "Except immunities stated under Article 32 of the Vienna Agreement" be added after the word "immunities".

PRIME MINISTER: That is not right at all because that is not a law it is just a treaty.

DEPUTY SPEAKER: Dr. Mobin.

DR. MOBIN: It is confirmed by the Government that these advisors are employees of the Government of Iran. How can we employ foreigners, especially military personnel without any law in that respect? You are not allowed to employ an advisor without any agreement. That is why I said that these are in your service according to an agreement. You should not refer to the law. You should not resort to such excuses. You should not employ foreign advisors according to an agreement. If you abolish a law and replace it by an agreement that would be contradictory. You have under Article 47 of the Vienna Agreement that the host country in implementation of the regulations of the said agreement shall not make any discrimination among the countries. If you are not able to make any discrimination from the viewpoint of the enforcement of Articles 27 to 35 and as far as immunities as stated under Articles 27 to 35 you are not allowed to discriminate in the provisions

of Articles 27 to 35. Should the government be allowed to take such steps on the basi of agreements and treaties, I think, it will be to the disadvantage of the government itself. I was going to say something else. Please pay attention to this. The advisors who will be allowed to benefit of the exemptions provided for administrative and techn personnel as stated under Articles 29 to 35, in the agreements that we have ratified there is no Article 32. Therefore how can you make a decision about something which do not exist?

DEPUTY SPEAKER: Mr. Prime Minister, please.

PRIME MINISTER: I think Mr. Mobin is in some misunderstanding. This is not employment all. It is not an employment matter; it is a military agreement which was passed by t Majless in the year 1322. That means that these are some people who come to serve in the army according to agreements which are consistent with that law which was passed i 1322. In my opinion that is not employment. Therefore, what you say in that connectio is not relevant at all.

DR. MOBIN: Well, if that is the case, why don't you revise the Single Article. In that article it is ~~xx~~ clearly said that in the employment of the Iranian Government.

PRIME MINISTER: Please, it is only the immunities that this law allow. If that law d not permit so they shall not be in employ and that Article is only with regard to immunities.

DR. MOBIN: You then agree that we do not have such an agreement; we have a law regard the employment of military advisors, therefore these must be employed according to tha law . I made a proposal and my proposal is quite right. I am not going to take back wh I proposed. We cannot permit the Government to employ advisors on the basis of agreeme

DEPUTY SPEAKER: We are going to take vote on what Dr. Mobin proposes.

ROHANI: I think there is no contradiction because His Excellency the Prime Minister s that this ~~xxxxxxx~~ agreement is based on a law which we have and that explanations will be mentioned in the proceedings of the meeting (Dr. Mobin: Why shouldn't we revise it?

DEPUTY SPEAKER: Areyou satisfied or we should take vote? (Dr. Mobin: let us take vote) (We therefore will read the proposal once more) (Reads as ~~follows:~~ did before).

DEPUTY SPEAKER: We take a vote on what Dr. Mobin proposed. Those who are for it will please stand up (a few stood up) - not approved.

DEPUTY SPEAKER: Mr. Payendeh's proposal is read. (Reads as follows:)

(I propose that under the Single Article it be added that these decrees and exemptions concern only to their persons) Payendeh.

DEPUTY SPEAKER: Give some explanations, please.

DOLGHASSEM PAYENDEH: I want to draw your attention to what Dr. Mobin said about Article 32. In practice there will be some difficulties as this Agreement has no Article 32. (One of the representatives: It is a printing error) That is not sufficient for our purpose. You see, under Paragraph two of Article 31 it says administrative employee's relatives, pay attention, please,here it says the relatives of the military advisors will benefit from immunities as stated under paragraph F. That means that should the court say something against this point tomorrow, nobody will be able to say that it is conflicting and what is said under paragraph 2 of Article 31 will be taken as binding . I think that is not right. Of course it is not a very important matter; it is just a mistake in interpretation of the word but I think such an interpretation may not be sufficient. In order to avoid such a problem I request that a modification be made as it was proposed (Khajehnoori: You can be sure that the consequences are taken into consideration).

DEPUTY SPEAKER: You still insist on your proposal?

PAYENDEH: You would allow me to sit, won't you? With due observance of what the Prime Minister said to the effect that these exemptions and immunities are applicable to the military advisors themselves and not their relatives, I will take my proposal back.

DEPUTY SPEAKER: There is another proposal made by Mr. Blakhanloo, which will be read. (reads as follows:)

> In order to do away with every possible misunderstanding and rather clarify the matter and establish good will ~~xxxxx~~ of the Houses of the Parliament in the establishment of good relations between the Imperial ~~Iranian~~ country of Iran and the United States Government, and with due consideration of the fact that a number of Iranian high-ranking physicians and engineers are in the employe of America and their services to America is no less than the services rendered to the Iranian Army by the technical staff of American Army advisors, it is proposed that the Iranians in the service of the American Government mutually benefit of this law and its provisions in America. Balakhanloo.

DEPUTY SPEAKER: Mr. Balakhanloo.

BALAKHANLOO: As ~~it~~ some mention was made here of the public opinion and that public opinion has brought us to this place, we therefore cannot disregard that public opinion or say that they do not realize the matter or they pay no attention to such matters. The public realizes the matters very well and they pay good attention to the developments and it is for that reason that this Majless of 21st has ~~xxxxxxxxx~~ been termed as a Majless of Revolution. You can see that those who are here are from all walks of life; there are doctors, tradesmen, engineers, workers. They are all here in order to work in the advantage of the country. Now, if we grant such immunities because so and

should have been dropped by mistake.

RAMBOD: With your permission, I would like to read the bill submitted by the Government. "With due regard to Bill No. 2291/18 dated 25/11/1342 of the government and its attachments which were submitted to the Senate on 21/11/42, the Government is authorized to ex to the Chief and members of the U.S.military advisory missions in the employ of the Iranian Governments, according to the respective agreements, the immunities and exemptio stated under Paragraph F of Article One of the Vienna Agreement applicable in the case of technical employees." Under Paragraph F are administrative employees and technical who according to Article 37 are to benefit from immunities stated in Articles 29 to 35. Provisions of Articles 29 to 35 means 29, 30, 31, 32 and so on. Now, you of course pay attention to what you are voting.

DEPUTY SPEAKER: Mr. Prime Minister.

PRIME MINISTER: I do not see you (sic) in this bill which is right now under debate, bec there is no reference to it whatsoever ....

RAMBOD: Don't say that lest the bill which was previously approved may be abrogated now.

P.M.: If sometimes in printing something an error takes place or a word is missing it has absolutely nothing to do with this Single Article. I mean the Single Article. It says that with due regard to so and so bill and its attachments which was submitted to the Senate on 25/11/42, the Government is authorized to extend the provisions of the Vienna Agreement approved on 18th April to the Chief and members of the military advisory missions. This has nothing to do whatsoever with what you say. That is an entir different matter. If some printing error has occurred, the Majless knows it and will correct it.

RAMBOD: If you were a house representative, would you vote for this bill?

PRIME MINISTER: I don't have less interest in the Majless nor I consider myself apart fr it.

DEPUTY SPEAKER: Mr. Rambod, please note that this was received from the Senate in this shape as it is.

RAMBOD: But where is its Article 32?

DEPUTY SPEAKER: An error has apparently occurred at the time of printing. Mr. Payendeh, please.

ABOLGHASSEM PAYENDEH: I have to apologize for having spoken more than I would during a whole month and the Majless has been patient to listen to me. Inshallah, I won't speak for a month. Your Excellency, Prime Minister, please pay attention. A chain is all tied; we see in the Vienna Agreement, in its Article 37 we read that the relatives of

diplomatic official who make a part of his family, provided that they are not citizens of the host country, shall avail themselves of the immunities stated under Articles 29 to 35. Administrative and technical employees also avail themselves of the same immunities, that is, immunities stated under Article 29 to 35. Mr. Prime Minister, please note (Dr. Adl Tabatabai: To address what you say to the Majless.) that this is like a chain all interwoven. Immunities from Article 29 to 35, immunities under paragraph 2 of Article 37 are the same immunities stated under articles 29 to 35. We grant them immunties. What immunities? I swear in the name of Almighty the God that I have deep respect for the Majless in all what I say. This is not right. This does correspond to the reality.

DEPUTY SPEAKER: Mr. Prime Minister, please.

PRIME MINISTER: I asked His Excellency, Mr. Rambod, who had come. This has been sent by the Senate and it is concerning the Vienna International Convention. This is printed and published and the entire World has accepted it and a large number of countries have announced their adherence to it. Suppose that a word has been left out by mistake when printing it. We discuss the immunities in that Convention in its entirety and an error does not make any change in the principles of that matter. Whether we confirm it or not it still wontt be affected. If we change a word of it, we do not affiliate ourselves to it anymore and since the Majless has already voted in favor of its adherence to it, that Article 32 is therefore considered as a part of it. If you change a principle of that convention you are not anymore a member of it. I think it would be a useless effort if we expected more than that. There is no doubt that the matter in its entirety is agreeable to the deputies. In the bill which is now under debate it is that Convention which is refferred to. That Convention is confirmed and we have no right to make any changes in it as there is nothing here about the articles of the convention, thus you can see that I have good reason to ask you to agree with me. (That is right).

DEPUTY SPEAKER: Mr. Sartip-poor, please.

SARTIP-POOR: To approve something which is unknown has no effect. (Representatives: Repeat it, please). To approve something which is unknown has no effect. Either the Chairman of the Foreign Committee should come here and tell us what is that Article 32 so that we may know or the Reporter of the Committee should come here and tell us what that Article 32 is. (One of the representatives: They don't know themselves) Our approval of the matter without knowing what it is will not be worthwhile. I would suggest that we better do something which is right./ Not a word can be either added or deducted in a Convention an agreement among governments. I have to know what rights are given. Why should we stress that the matter be left unknown. (That is right, very good).

DEPUTY SPEAKER: The Prime Minister has already given the necessary explanations that this is an international agreement and no changes can be made therein. (One of the representa We did). However, the Prime Minister will give some more explanations.

PRIME MINISTER: Please note that the Single Article voted by the Majless is this:

Single Article: The Vienna Agreement which was signed by the authorized representatives of the Imperial Iranian Government on 18th April, 1961 according to 29th Farvardin, 1340 in the city of Vienna and which is comprised of 53 Articles and two protocols, was appro and the Government is authorized to exchange the approved documents of diplomatic relations.

In fact it is the Bill in its entirety which is mentioned which was drawn up in five languages which are the official languages of the United National Organization, i.e. English, Chinese, Spanish, French and Russian. Now suppose that in the translation of th Agreement an error took place and we had already approved it, would it be still valid? Our adherence to this international convention of Vienna is now under debate not its translation/which some error might have taken place. As a matter of fact the text of that Article is here, it is among the documents which the Ministry of Foreign Affairs has her It is read:

Article 32: The sender government can give up extending judicial immunities of diplomatic representatives and persons who avail themselv of immunities on the basis of Article 37.

This giving up
2) should always be explicit.

3) In case where a court case is pursued by a diplomatic representative or anyone who, according to Article 37, is benefiting from judicial imunities, he cannot resort to judicial immunity with respect to any mutual case which is directly connected with the original case.

This has all the negative aspects which fortunately are confirming the views of the representatives.

4) To give up judicial immunity in the case of a penal court case or administrati case shall not be considered as giving up immunities with regard to measures taken in connection with verdicts issued by the courts. "There should be a different deviation f this issue".

This is the Article which is missing. Suppose a part of this is not translated correctly by the translator, that does not change the principle adopted by the government or the Majless in adhering to the Agreement. It is the Vienna Agreement in its original

which matters. Nevertheless, I give this to you with the permission of the House Speaker so that you may complete it.

DEPUTY SPEAKER: Mr. Sadegh Ahmadi's proposal is being read:

reads as follows):

I propose that those in the ranks of sergeants in the advisory missions be excepted from the provisions of this bill. Sadegh Ahmadi.

DEPUTY SPEAKER: Mr. Sadegh Ahmadi, please.

SADEGH AHMADI: I would not like to speak at this time which is 3:30 p.m. and I wonder how Dr. Khatibi has stayed so long. When the Budget Bill was being debated we were given a sandwich at least. I had a headache when I came here. I wonder if this bill is not having any bad reaction. What sort of a bill this is that it should go through so much disorder. I am really very sorry (That is right); I am sorry indeed. I just cannot understand why does the Prime Minister insist that this bill has to be approved just in the way it is. (One of the representatives: The minority group of the Majless is not respected.) You should know it for certain that the common people of this country hold higher respect for the Majless than for the Senate. No such discussions took place there. They were then sorry that they approved such an important bill with all that hurry. The Majless on the contrary has continued its discussions until this hour and that means that those who are in the Majless are the real representatives of the people; they are more interested in the affairs. That is something which is true and must be said here. The people disapprove what the Senators have done. I was out for a few minutes for just a smoke. There I discussed the matter with a couple members of the Iran-e-Novin Party whom I respect very much. Although that member of the Iran-e-Novin Party is quite a well-informed man he does not know the number of people who fall under this bill. He said that it would be applicable in the case of 40 persons. I asked him whether he had made any study in the text of the bill. He said that he had not. This bill is applicable to all the personnel of the advisory missions. I do not say that their family members are included as the Prime Minister said that they are not but with due consideration of the text of the Single Article and the description given about the technical staff, I can say that their families are included as well. Now I want to base my reasoning on what the Prime Minister has said and say that the members of their families are not included. There are many on these advisory missions and most of them are sergeants. Now, it is all of these sergeants that the people complain. I agree with what the Prime Minister said that these are a handful of experts who are all instructors, who are in civilian clothes but it is those who are in the ranks of sergeants of whom the people are fed up. They say that if they go out with their wives and an American

sergeant happens to pinch one of their wives there will be no place for us to file our complaint and follow up the matter. That is how people get mad. You read in the papers yesterday that an American sergeant killed three people running over them his car. I had a similar case during my office in the Justice Department and you want to approve such a bill. How can you do it without a guilty conscience? (That is right). I am sorry to hear that my friend Mr. Gharachorloo, whom I admire, want this to be done so quickly. Why so quickly? The Prime Minister said that sometimes it may become inevitable. I realize that. I have a mind flexible enough to know that it is quite possible that sometimes the circumstances make it necessary. But why cannot we make it limited. We can say that officers of the American advisory missions since those may commit such felonies less than their sergeants and in fact it is so because they are not seen driving cars very often; they get drunk less and offend less. We have deep respect for them and admit that they are to be considered as in the service of their Embassy; that is all right but let us not extend the privileges to their sergeants. That is dangerous. Let us hope that the Saghakhaneh incident may not repeat itself. If my child is overrun by an American sergeant and there is no court to take up the case, what am I to do? I will go and kill that American and that is going to be to the disadvantage of them as well. Let us not make it that limitless.

DEPUTY SPEAKER: Before the Prime Minister give any further explanations, I would like to add in reply to Mr. Sadegh Ahmadi's remark as to why I did not adjourn the meeting nor announced any recess it was because it was not approved by the Majless to postpone the ma the session to take place on Thursda I am to enforce whatever that Majless decides (That is right). Mr. Prime Minister, please

PRIME MINISTER: You said something about the sergeants. I think whatever explanations that I have already given have some reply to your remark. Of course that is good feeling, it is praiseworthy. You can be sure that if I have not any stronger feelings than you have, I have not less however. But never we must mix up an essential matter in which our country is involved with matters which are of exceptional nature. It is not about the sergeants that we talk here; we talk about the chief and the members of the advisory groups of America in the service of the Iranian Army. When we say non-commissio officer in the meaning of the word in our language we mean sergeants, etc. It is not that which is now under debate. Those people can be civilian, a specialist, an expert, a technician or a sergeant who is an expert in electronics who is from the Defens Department of America. You cannot make a discrimination among them or separate them. Whether they number a hundred, or two hundred or a thousand the members of the Iran-e-Novin Party shouldn't also know their number who are in the service of the

nian Army. Such a matter is never discussed by the Party. It is the matter in general ich is discussed there. We may at a time be in need of 40 of such people and at another me only four, and sometimes we may need none. The immunity we talk about is something civilized ich is acceptable all throughout the world nowadays. Privileges are granted to the taff of one who is helping the other party who at the time being is not well-equipped chnically in that field. That technical expert can be a colonel or a sergeant or a negro vilian. The sergeants who did this and that during the war are not these; it would t becoming to the Iranian Army (One of the representatives: You have written members of e mission). I have already explained what is meant by members of the mission. I said that or can be either an officer, a sergeant who is expert. (Sadegh Ahmadi: Drivers are among mbers of the missions.) No, Sir, they are not. They do not make a part of these missions. government, an army and an agency will know that drivers are not a part of these missions. ey are not considered as American specialists. (Sadegh Ahmadi: I will take your word).

UTY SPEAKER: Mr. Sadegh Ahmadi, do you take back your proposal?

DEGH AHMADI: As the Prime Minister very clearly said that drivers are not among the mbers of the missions, I will take his word but I am not going to take back what I posed.

UTY SPEAKER: Mr. Khajehnoori is against that.

JEHNOORI: Let's vote.

UTY SPEAKER: Mr. Fooladvand, please.

FOOLADVAND: The Prime Minister made remarks as one who is against it but let me lk as one who is for it. In general one should not talk at the end of a meeting. htab Fard said colored American. Please explain it since in our Islamic Law and in laws of our country we do not discriminate between the colored and whites.

PRIME MINISTER: Thank you. Please correct that matter in the proceedings of the meeting.

OLADVAND: Contrary to what a journalist has said about me that I recite more poetry an I deliver speech, I would say: Recites a stanza.

How can one listen to all what Mr. Zehtab Fard and Mr. Sadegh Ahmadi said and then p silent, or say that who cares? I personally am sorry. I praise it and am a follower. e the administration is in majority and makes a figure. We congratulate Mr. Mansur who ds the government of the majority. (one of the representatives: I would admit it if it re true). May God bless you all the time. When a law is so much debated at the Majless the House Representatives pay no attention that it is 4 o'clock in the afternoon but e it an honor to be able to serve the country. Mr. Sadegh Ahmadi said that Dr. Khatibi stayed here so long. If Mr. Riazi was here you have to stay where you are for another

twenty-four hours. (Sadegh Ahmadi: He would undoubtedly order a luncheon for us.) He sai that you are denied your luncheons by law and that is right. Well, let us go to the matt What is here being debated must be taken into consideration by the Majless logically. The main topic of the debate is here that is it really necessary to have such immunities in the case of a government who is friendly with us and we are the same to it? Would it be enough ground to have a screw of an electronic machine tightened if we are parties of the same treaty and Agreement? In my opinion, the sincerity of those who make all those remarks and the 20 years that the American have been here until this date they hav been treated with respect. I said a joke the other when Eng. Riazi was present and we had some fun.

DEPUTY SPEAKER: You will excuse me Mr. Fooladvand, you only have five minutes to speak.

FOOLADVAND: It is not five minutes yet. What do you mean? Shall I not speak at all? All right, I will go. If you don't permit I will keep silent.

DEPUTY SPEAKER: Please, go ahead.

FOOLADVAND: You don't permit me.

DEPUTY SPEAKER: I said that you only had five minutes and that time is over. Now you ca go ahead but make it as brief as possible.

FOOLADVAND: With respect to violations committed by the American sergeants, I think our government has been treating them very kindly with due observance of the international relations. Someone was joking that now the American authorities or the American Govern ment want to abrogate that responsibility. They may even have to punish their sergeants once in a while since you did not punish them. Apart from this matter, Dr. Ziai, I thi diplomatic immunities have already been given to some who undertake to carry out some risky work and a confidential one for their government in either a friendly or hostile country. Normally such immunities are given to those who are trained not to abuse their immunity. Such immunities have been given mostly to those who are trained for diplomati work so that they may be able to do even to the disadvantage of the country where they are the work that they are told to do, they may be arrested and that is only possible after fulfilment of some formalities. That is something which is reciprocated. It is tru that America has 200 million people and we are not more than one-tenth of them; it is true that we are not able to have their some 1500 or 5000 people as members of our Embassy but that does not mean that what we do should not be reciprocated. You see that we cannot appoint duties for the American Government. We can hold our government duty bo to do something along the line. It would be up to the point if we request Mr. Mansur' government to take steps so that the American Congress may pass such a status for us. T

would make me very happy. (One of the representatives: We have no one there.) I would have to say that they cannot do such a thing. We should feel free under His Majesty's shaddow to express our ideas. When it was said that that is beyond imagination, it is true. That courageous and patriotic man; sergeant or officer it is because their government has made him an officer or a sergeant, there are some differences that one is said a sergeant and the other an officer; as that is more polite. (sic) We have to talk every detail at the Majless.

DEPUTY SPEAKER: Mr. Fooladvand, if you have anything else to say I would request that you say it at the end in the general discussions otherwise it will be against the regulations.

FOOLADVAND: I think this is against the regulations. I am going.

DEPUTY SPEAKER: Then let us vote.

FOOLADVAND: All right.

DEPUTY SPEAKER: Those who are infavor to have Mr. Fooladvand talk for another ten minutes would stand up please. (just a few stood up). Unfortunately it is not approved.

ENGINEER BEHBOODI: Is that all the respect you have for the minority?

DEPUTY SPEAKER: It is Mr. Sadegh Ahmadi's proposal which is under debate; also another proposal has been received from Mr. Abdolhosein Tabatabai which is similar to the proposal made by Mr. Ahmad. We read it. (reads the following:)

> As said by the Prime Minister, it is proposed that it be stressed that the military advisors who will benefit from the immunities of the Agreement be exclusively the Chief and the Officers of the American Military Advisory groups. Abdolhosein Tabatabai.

DEPUTY SPEAKER: The same thing has been proposed by Mr. Ahmadi in somewhat different manner. We will take vote.

SADEGH AHMADI: He proposes that it must stress officers, His Excellency, the Prime Minister says that besides officers there are those with the ranks of sergeants who are experts and specialists. I said that the sergeants be excluded.

ABDOLHOSEIN TABATABAI: My proposal will be necessary in case yours is not approved.

DEPUTY SPEAKER: We are going to take vote on Mr. Ahmadi's proposal which is read once more. (Reads as follows:) It is proposed that the sergeants be excluded. Ahmadi.

DEPUTY SPEAKER: We take vote on Mr. Ahmadi's proposal. Those who are in favor may stand up please. (A small number stood up). It was not approved. Another propsal was read. It was as follows:

> It is proposed that the following sentence be added to the Single Article:
> "As long as this law creates no unfavorable effect in Iran's relations with other countries". Rambod.

DEPUTY SPEAKER: Mr. Rambod, please.

RAMBOD: Whenever the Prime Minister starts talking I come to the conclusion that we shou assist the government so that [illegible] it may be able to carry on the work. Whenever I want to do my part and let him have a free hand in running the country, I become cautious lest some mistake may occur. I would like to read proposal that I made once more. When you will go [illegible] home, please read once more th Articles 29 and 35 and think about the consequences that they might have. (One of the representatives: Except Article 32.) In these articles nothing is said to the effect tha if as a result of granting these immunities something happens or an offense [illegible] or crime is committed which puts Iran in a difficult situation, what is to be done. The offender will say that [illegible] he is not held responsible (One of the representatives: That will be no such case.) Well, if it does not we will thank God; let us hope that there wi never be such a case. But if there be, then the Iranian Government, His Excellency Mr. Mansur, the Prime Minister, will stretch out his hands to his friends and will say that he does not intend to go to the bottom of the abyss for the sake of his friends. Is not it true in this case that you should not do something to make this world so unbearable f you?

DEPUTY SPEAKER: Is there any objection to Mr. Rambod's proposal?

KHAJENOORI: I could not understand the proposal.

DEPUTY SPEAKER: We will read it once more.

(Reads as follows:)

It is proposed to add the following clause to the end of the Single Article:

"As long as the implementation of this law creates no unfavorable incidents in [illegible] Iran's relations with other countries".

DEPUTY SPEAKER: Do you have any explanations in this respect, Mr. Prime Minister? Plea

PRIME MINISTER: As long as parliamentary debate, discussions, consultations, speeches and especially show of knowledge and information and patriotism and feelings are concer this was an outstanding day. When we speak about essential matters and problems of the country in general, with due consideration of what the representatives have said, it mu be said that the country should go ahead and its affairs must be fulfilled. What Mr. Ra said and proposed has no connection with the matter. Under no circumstances whatsoever [illegible] will what we are doing here have any bad effects in our relations with other count Nothing of the like should be done not only in this case but in every other case as wel nor we do such a thing. To mention such a thing in this law will give cause to some assumptions of which you are worried. In my opinion, what you are doing and what we are doing is not disgraceful at all. It is something straightforward and in the interests

the country. We should approach the country's problems realistically.

DEPUTY SPEAKER: Mr. Sartip-poor, please.

SARTIP-Poor: The farther we gaze our eyes the calmer we can make our approach to such problems. His Excellency, the Prime Minister, should know it very well that what I have said in the past about everyone of his Ministers remains unchanged. I have my respect for everyone of you and your honor is a part of my honor; in the same way my honor and dignity is a part of yours. But above everything else I love my country, I love my people; I love my national flag. I would never want any power to despise all those. (Good). We should know it very well that the biggest difficulty for the domination of a country is to be able to find a pretext. If one fails to find a pretext, he will then try some other means. Well, I won't say anything in this respect that by the approval of this bill the [illegible] judicial laws of my country are being abused. What about if we degrade our judicial system? If others should want to benefit from this matter? I think about this that if a military advisor, either in the higher ranks or lower, can be committing an offense, or if something of the kind happens, such an offense might be committed by everyone in this country, either citizen of this country or not, please pay attention to this matter. It is not that I want to argue. It is more than such a wish. (Good). That fellow driving a Jeep may overrun one of our countrymen, according to the bill the case will have to be examined somewhere else. There I am not sure whether are they bound to examine the case or not (One of the representatives: They are not obliged to). Suppose one day a foreigner overruns a foreigner residing in Iran, who is to look into the case? They are in our country and subject to our laws. But if we are asked for, if we are questioned in that respect, can we tell that Ambassador that one of the people under his jurisdictions but in our country was offended, was involved in an incident or was killed by the citizen of another foreign country still in our country but he is not under our jurisdiction or subject to our law? Suppose we tell him so that on the basis of such an such a decree and bill, we cannot do anything in this case. Do you think in that sort of a case we won't be providing him an excuse to find a way for that most difficult thing, that is, to find a pretext by which his country will be able to bring presare upon us and [illegible] create difficulties for us, and put our nation in a difficult situation. Such a situation might result in such [illegible] difficulties that then I as well as all of you will be sorry for what we might have done. In my opinion [illegible] as well as in the opinion of His Excellency Dr. Yeganeh if these problems are foreseen and solved; if this problem is solved a problem in which both the Majless and the Government are in a difficult situation; if an honorable solution is found so that there may be no worry left, we will certainly be

able to judge about our present and future with a calmer conscience. Otherwise we bett
have all such eventualities and problems in mind as it is our country and our nation t
are involved in such a case. This is not only my country it is the country of everyon
us. As you know nothing is steady in this world nor the time is standing still. You
cannot say that enmities or friendships are steady and do not change. You never know.
Something might happen which may create complications, you know that. (Very good.)

DEPUTY SPEAKER: We read Mr. Rambod's proposal once more and then we will take vote.
(Reads as follows:)

It is proposed that the following clause be added to the end of the Single Articl
"As long as the implementation of this law creates no unfavorable incident in Ir
relations with other countries" - Rambod.

DEPUTY SPEAKER: We take vote on Mr. Rambod's proposal. Those in favor are requested t
stand up please. (A few stood up). Not approved. Dr. Mobin's proposal is read: (Reads
follows):

It is proposed to add the clause "except immunities stated under Article 32 of
the Vienna Agreement" be added after the word "Immunities". - Dr. Mobin.

DEPUTY SPEAKER: Dr. Mobin, please.

DR. MOBIN: It was said here that this bill was received from the Senate without Articl

DEPUTY SPEAKER: That is not about this bill which is under debate.

DR. MOBIN: It was announced by the Speaker of the House that the decision reache
by the Majless includes Article 32. Therefore no change is made in the bill. Hence it
cannot be conveyed to the government. It must go back to the Senate so that they may
make decision about Article 32. But what I said about Article 32, inasmuch as there
no Article 32 in the original agreement, we cannot those who are subject to immun
(Dr. Parsay: It is about the Single Article that the Majless votes) (Khajenoori: Artic
32 as you see is about exceptions) I don't care what Article 32 is. I don't say it is
something. Let us say that is not important. According to Majless regulations we shoul
be notified about the matters debated in the Majless 24 hours in advance . We knew not
about Article 32. We therefore cannot make any comments about it. (Khajenoori: That h
nothing to do with this bill.)

DEPUTY SPEAKER: It is Dr. Mobin's proposal which us put to vote. Is there any more
comment? (Some of the representatives: You better take vote, put to vote.)

DEPUTY SPEAKER: (There is no majority for taking votes (Some entered and there was qu
for voting) We put to vote. Dr. Mobin's proposal is put to vote. Those in favor, plea
stand up. (Just a limited number stood up). Not approved. Another proposal will be re

Reads as follows:)

On the basis of what was
said by the Prime Minister, It be stated precisely that the military advisors who
will avail themselves of the immunities under the Vienna Agreement will exclusively be the
sheif and officers of the advisory groups of America. Abdolhossein Tabatabai.

DEPUTY SPEAKER: A similar proposal was made by Mr. Sadegh Ahmadi which was not approved.
Do you still have something to say.

TABATABAI: Mr. Ahmadi proposed that those below officers rank be excluded . It seems that
the Prime Minister gave his consent to that and he said that he meant those in the higher
ranks. That of course makes no change in this bill. I have exactly what you said here.

PRIME MINISTER: I said that you cannot make a division in the matter. Whether an officer,
a sergeant or a civilian, these are technicians and not sergeants as a driver will not be
taken in the Army as a sergeant. If a technician is a sergeant we cannot leave him out.
That is what I said.

TABATABAI: When we say below officers rank in our language we mean the sergeants, the
corporals, warrant officers, etc. If we are to excluse these, as you say we will have to
make changes in the bill so that there may be no judicial problem.

PRIME MINISTER: A technician can be a sergeant and may be for some type of work it is a
sergeant who is appointed. That means that he is a specialist but is at the same time
a sergeant. Therefore, we cannot make a division.

TABATABAI: That is contradictory. However, if you think it is something to be excepted
you better make some changes in the bill so that its legal aspect may be ensured. That is
all I say. (Representatives: Vote, Vote) It was put to vote but it was rejected.

DEPUTY SPEAKER: You still insist on your proposal?

TABATABAI: Yes.

DEPUTY SPEAKER: We put to vote. Those in favor of Mr. Tabatabai's proposal may stand
up please (Just a few stood up). Rejected. No more comments. We go into general comments.
Any word. (None). There is a proposal by five representatives which is read. Reads as
follows: It is proposed that votes be given in writing. Sartip-poor, Rambod, Sefi-poor,
Ayendeh, Ahmadi, Bagher Bushehri.)

DEPUTY SPEAKER: Some have proposed to have secret vote on this bill. We read that proposal.
Reads as follows: According to Article 148 of the Majless Regulations it is proposed that
secret ballots be used for the voting about this bill of immunities and exemptions to
be given to American military advisory groups. signed by a number of representatives.

DEPUTY SPEAKER: We will then have three people appointed as supervisors.

DR. BEHBOODI: Please have one of the secretaries read the manner in which ballots are taken in secret voting.

DEPUTY SPEAKER: Article 149 of the Regulations is read. (Reads.) Consequently, Dr. Sal Eng. Abbas Assadi Samii and Eng. Hassan Saebi were appointed as supervisors in the voti (Then the manner in which such a voting should be performed is explained in detail and the representatives ask some more questions as to the procedure.

Voting was completed:

DEPUTY SPEAKER: Thus, out of 136 votes, 74 voted in favor and 61 voted against the bill The bill is approved and is ready to be conveyed to the Government.

At 5 p.m. the session was over. Adjourn.

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CHAPTER III

TELEGRAM — United States of America

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Jurisdiction

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Date: Oct. 14, 1964 1110

ACTION: Secstate WASHINGTON PRIORITY 404

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Majlis yesterday passed Vienna Convention and status bill re US military personnel, by vote 74 to 61. Disappointingly slim margin was due to number of factors as analysed below, but what stands out is that New Iran Party leadership lost control over substantial number of its own followers.

There are presently 188 deputies in Majlis, of which 139 are New Iran Party members. Some 70 New Iran Party deputies seem to have been absent, and of those present we estimate at least 12 must have voted against government. This became easier for them when opposition was successful in forcing secret vote, which is highly unusual but can be obtained under Majlis regulations if 15 deputies ask for it.

Sequence of events and factors entering into the vote were as follows:

1. Monday's New Iran Party caucus (reftel) seemingly went so well that Mansur, Yeganeh and Ziai decided to speed up schedule and bring both bills to vote Tuesday. That Party leadership was obviously over-confident is shown by fact that majority made no special effort to round up its supporters to secure maximum attendance. (It is difficult to know how many absented themselves deliberately, but certainly not all absent New Iran Party deputies

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were busy elsewhere.) Mardom and independents, who make up "opposition", were practically all present.

2. From beginning of debate, Prime was on the defensive. While Majlis contacts say they admired his composure under fire, Mansur apparently thought he was dealing only with usual "opposition" which could be steamrolled by New Iran Party majority. Fact that government was abandoned by some of its own supporters (either by adverse vote or deliberate absence) came as rude shock after outcome of vote was announced. Before the vote Alai had told us New Iran Party expected only two or three defections.

3. Government made long and comprehensive statement about purport of bill, and Mansur offered repeated interpretations in course of debate. Since these may constitute important legislative history, we will submit separate analysis as soon as full record of debate available. Apparently government was forthright in explaining scope and status of bill and did not hedge in its explanations.

4. Opposition either did not get the word that Shah wanted status bill passed, or else it had license to attack government. In any case Mardom and independents pulled out all the stops, especially after they were voted down in succession of procedural maneuvers designed to delay vote. Government apparently felt (erroneously) that if opposition did not want bill to be brought to vote, it must be weak.

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5. What did not help at all is that yesterday's press reported automobile accident in Tehran in which a US serviceman gravely injured an Iranian taxi driver. Some speakers claimed that status bill would wipe out civil liability in such cases. Among the more scurrilous arguments heard was that, if status bill was passed, an American non-com could henceforth "slap the face of an Iranian general with impunity." Most violent speakers against status bill were deputies Zahtab-Fard and Sartip-pur, both independents; but many others also talked against, including Mardom group leader Rambod.

6. With Majlis speaker Riazi in the US, presiding officer was Shafi-Amin who is unskilled in parliamentary tactics and was weak in controlling debate. (Senate President Sharif-Emami, a seasoned parliamentary strategist, commented to us last night that in similar situation he would have called secret session to "blow off steam" before permitting debate to proceed on the record.)

7. There were clearly anti-American themes employed by some of opposition speakers, some of them quite ridiculous (such as insinuation that Prime must be an American puppet because he had once rented a house to US Embassy officer who was alleged to be "running the government.") Government seems to have suffered this in silence. There were no

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enthusiastic supporters of status bill. All the emotion was on the other side.

In conclusion, we find that while it is heartening that long drawn-out question of status of US military personnel in Iran is now settled in Parliament, not only Mansur but to some extent also the Shah's regime has paid an unexpectedly high price in getting this done. That price was due in large measure to ineptitude of government's handling both in upper and lower house, but it would be idle to minimize the nationalist reaction whi passage of the bill called forth. It will take several days to assess whether this is a temporary phenomenon that will blow over, as now seems likely, or whether it will have some longer-lasting effects on our relatio with Iran.

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1400

ACTION: Secstate WASHINGTON 405

Embtel 404. Although parliamentary action on status bill is now complete, it will only become effective after signature by Shah and ten days after subsequent promulgation. When this has happened, certain legal clarifications (which have already been promised) will have to be obtained from FonOff and administrative arrangements made to avoid any uncertainty about coverage. Accordingly, we trust that any US military personnel about to depart for Iran will not assume that they will immediately enjoy Vienna Convention privileges, for instance as regards protection for wives driving private automobiles.

GP-3.

ROCKWELL

POL:MPHerz/mja
October 14, 1964

Clearance: ARMISH/MAAG-Major Hart
(in draft)

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Control: 207

Date: Oct 15, 196
1200

Charge: State

ACTION: Secstate WASHINGTON 713

Tabtel 404. Finance Minister Hoveyda informs us that about ten Pan Iran Party deputies will be expelled from party for their vote on Tuesday.

GP-3.

ROOK ELL

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MEMORANDUM OF CONVERSATION

PARTICIPANTS:

H.E. Ahmad MIRFENDERESKI, Under Secretary, Ministry of Foreign Affairs
Mr. Stuart W. Rockwell, Charge d'Affaires a.i.

PLACE:

Ministry of Foreign Affairs

DATE:

October 21, 1964

SUBJECT: Vienna Convention

I had a long talk this morning with Under Secretary of the Foreign Ministry MIRFENDERESKI concerning the Vienna Convention and its passage through the Majlis. I specifically asked him whether the government planned to issue any explanatory statements, or even his own testimony in the Majlis, in order to calm public opinion and relieve those who may be genuinely concerned over the implications of the measure since they have not been given the relevant facts.

Mirfendereski said that a decision had been taken not to publish any clarification. He thought this would re-open the matter, which was calming down, and give the opponents of the Bill and of the government new material to use. The politicians and Deputies who were against the Bill were against it not because of its substance but because of the opportunity it offered to attack the Americans and the government, and they would not be convinced by any public explanation. The majority of the public thought about such matters as immunities for foreigners with their hearts and not with their heads, and also would not be convinced by an official clarification. Moreover, with the passage of time most people would forget about the matter.

Mirfendereski went on to say that this had been a bitter pill to swallow. If he had been handling it during the earlier stages he would have strongly recommended against submitting the matter to the Majlis. This had been done, however, and he said, somewhat wryly, that maybe the picture wasn't as black as it seemed. The Bill had been passed; those who do not wish the Majlis to be a rubber stamp had been gratified; those who believe in majority rule had made their point, and those who wish to attack the government had been able to do so.

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When I said that we would wish as soon as possible to begin conversations to clarify details concerning the status of our military personnel, Mirfendereski strongly urged that we make no move at all until the fire has burned down. He said that there were people who were anti-American and anxious to do us harm, and that they have eyes and ears everywhere (I assume this meant in the Ministry itself). If we were now to resume offici conversations, this would quickly get back to our enemies and allow them to rekindle the blaze.

When I mentioned the exchange of Notes, Mirfendereski said that, owing to the tampering by the Senate with the Foreign Ministry's submission, the exchange of Notes had become separated from the Vienna Convention and the matter they dealt with had been turned into a law in itself. This law was now the governing document, not the exchange of Notes. The law states that the privileges of the Vienna Convention shall be extended to the Chief of the Military Advisory Mission and his subordinate personnel. There is no specific reference to dependents, and Mirfendereski had not said in the Majlis that the Ministry considered that the immunities would apply to the dependents, in view of the superheated atmosphere. An amendment specifical excluding the dependents from immunity had been defeated and he had judged it better to leave it at that. He could assure me, however, that there was a "gentleman's agreement" between us that dependent personnel would be covered and that if any dependent became involved in a case leading to criminal charges, the Ministry would take action to see that that person was not prosecuted therefor.

SWRockwell:mvw

-2/-1/64

TALKING PAPER

Subject: Clarification of the Coverage of the Status Bill

We have listened sympathetically to what Mirfendereski said to us on October 21, and we are therefore prepared to desist for the moment from any formal action to obtain clarification of the coverage of the Status Bill, but there were some remarks made by him on that occasion with which we do not agree and we hope the Foreign Ministry will leave these questions open until they can be discussed in a quiet atmosphere.

In particular, we cannot agree to his remark that the Status Bill itself supersedes the original Exchange of Notes. We do not see how this could be so since the Government itself, in its explanations in the Parliament, made it clear that the Bill is supposed to give effect to what was agreed in the Exchange of Notes. Without wishing to go into detail now, we see nothing in the record of the discussions in the Senate and in the Majlis that would suggest anything else than legalization of our Exchange of Notes. The Prime Minister referred to the Exchange of Notes in the Majlis plenary, and we understand that the Foreign Ministry submitted the Exchange of Notes to the Foreign Affairs Committee when the bill was discussed there.

From our point of view, of course, we have an agreement with the Iranian Government. We cannot accept the idea that that agreement has in any way been altered by the particular form which the parliamentary ratification took. What transpires between the Iranian Government and the Iranian Parliament is an internal Iranian matter, but what was agreed between the Iranian Government and the American Government cannot be modified or reinterpreted by the Iranian Government unilaterally. We would regret it very much if there were to be a dispute about this, but we are confident that any remaining questions can be worked out to our mutual satisfaction, given good will on both sides.

There were some specific points made by Mirfendereski on October 21 which surprised us very much, and we are confident that upon reexamination he will find that they were in error. There can be no question but that dependents are specifically covered not only by our Exchange of Notes, but also according to the Status Bill, since "technical and administrative personnel" enjoy certain privileges and immunities under Article 37, paragraph [illegible], of the Vienna Convention, which explicitly also applies to dependents. We use this only as an example of the need for clarification.

Of course, we appreciate Mirfendereski's statement that all matters can be worked out informally, but we must think of the future when he himself will no longer be here and officials less conversant with the

history of the Status Bill may be in charge. The purpose of the whole exercise has been to clarify the status of our military personnel in Iran. What good would have come from all the trouble and inconvenience and political unpleasantness of the past weeks if the result would fail to bring the necessary clarity? Washington has the record of the relevant correspondence and of the legislative discussions, and there is no disposition to leave matters subject to personal interpretations of individual officials.

Incidentally, since Washington has all these records it would never do to tell them, for instance, what Mirfendereski told us on October 21, that there had been a vote on the question of limiting the coverage to the military personnel while excluding their dependents. Our scrutiny of the record discloses that there was no such vote. (This remark is important in order to show Mirfendereski that we have made a careful study of the record. The point itself is of no consequence, but he should understand that we are quite aware of everything that was said in the plenary.)

We also know, incidentally, that the Prime Minister had intended that the exact wording of the Exchange of Notes be brought to the attention of the plenary. He said clearly that Mr. Mirfendereski would read those notes. Although we regretted to see that this was not actually done after all the discussions we had on this very subject, we have consulted an Iranian constitutional expert (Dr. Ali Pasha Saleh) and he also feels there can be no doubt that the legislative history establishes the intent of the Government that the Status Bill should give effect to our original Exchange of Notes.

The thing to avoid, if possible, is formal diplomatic exchanges on these clarifications. We think we should have informal discussions with the Ministry's legal experts, and we wish to be as helpful as possible in those discussions. For instance, we can readily understand that the words "advisory missions", if literally interpreted, might lead an Iranian court of law to exclude our topographic survey teams from coverage. We would like to discuss, therefore, the question whether these teams, which are here to lend support to the Iranian Government just like ARMISH/MAAG and CENMISH, might have to be re-named Topographic Advisory Teams. There are other, similar questions, which we are prepared to discuss in all frankness and in an effort to be helpful to the Iranian Government.

We will also wish to discuss with the Foreign Ministry's experts the best form of documentation for our military personnel, which will result in avoiding any doubt about their status in the future. We think some identification cards referring to their status will be helpful both to us and to the Foreign Ministry, for there have been recent cases when the police and the judicial authorities were not clear about the status even of members of our Army Attache's staff.

(Note: If at all possible, we should side-step discussion of the most troublesome aspect of the Status Bill, the phrase "in the employ of the Imperial Government." There are plausible legal arguments that can be advanced why this phrase cannot literally mean "in the employ", and our lawyers are better qualified to make this case in their discussions with the Iranian lawyers, if necessary. But there is no evidence so far that the Iranian Government intends to use a restrictive interpretation of this phrase. This involves the most important clarification that we will have to obtain in the course of the forthcoming informal discussions.)

POL: MFHerz:vme
10/27/64

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Charge: CONFIDENTIAL / Classification

Control: 349

Date: Oct. 27, 1610

ACTION: Secstate WASHINGTON 448
INFO: CINCSTRIKE

Embtels 408 and 413.

New Iran Party, pursuing its investigation of October 13 vote on the Status Bill, has come to conclusion that about 20 of its own members must have voted against Govt. One deputy, Jolan Reza Nobari, has already been expelled from the party and more expulsions expected.

According to Mahmoud Alai, Chairman of Majlis Foreign Affairs Committee, investigation has further revealed that Hasan Arsanjani had written speech against the bill which was delivered by deputy Qartip-Pour. Former Minister of Justice Kaheri also believed involved in machinations against the bill, and according to Alai there is report that former Prime Minister Alam, who is founder of Mardom Party, had approved opposition by the Mardom group. (While we can believe that Arsanjani and Kaheri were involved, we feel that more evidence will have to be obtained before we could credit report that Alam, whose government signed the status arrangement, was involved in opposition to it.)

The Shah, according to Alai, severely lectured Majlis

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Date:

deputies during the birthday Salaam yesterday. Although he did not refer to the Status Bill, he spoke candidly about "underhanded dealings, intrigues and spying" which must not be permitted in the Majlis, and said that business must be conducted as speedily and efficiently as "during the time when there was no Parliament." Deputies attributed his stern attitude to dissatisfaction that opposition, which he seems to have authorized, got out of hand when the Status Bill was debated.

Airgram on legal and political implications of the October 13 vote (A-195) has been pouched today. It does not include this latest information.

From numerous conversations which we had during last week with contacts in various political quarters, we find that rumblings of opposition to the bill (which has not yet been signed by the Shah) are still quite widespread. Exponents of Govt believe this is dying down, but we feel that it will be some time before current excitement over "capitulations" has abated.

GP 3

R.J. ELL

POL:MFHera/lf
10/27/64

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Charge: CONFIDENTIAL (Classification) Control: 349

Date: October 31, 1500

TELEGRAPH UNIT:

Request CINCSTRIKE be added to recipients of Embtel 448, dated October 27, control number 349.

GP-3

21/mj

ROCKWELL

POL: MFHerz: vme

T U NOTE: Serial number to CINCSTRIKE is 26

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MEMORANDUM FOR THE FILES

October 28, 1964

SUBJECT: Vienna Convention

I had a further conversation with the Under Secretary of the Foreign Ministry today concerning the Vienna Convention.

With reference to a remark made by him last week, I said that we had considered the matter and could not agree that the Status Bill itself supersedes the original Exchange of Notes. This could not be, in our view, since the government itself, in its explanations to the Parliament, made it clear that the Bill is supposed to give effect to what was agreed in the Exchange of Notes. Furthermore, the Prime Minister referred to the Exchange of Notes in the Majlis Plenary, and we understand that the Foreign Ministry submitted the Exchange of Notes to the Foreign Affairs Committee when the Bill was discussed there. From our point of view, we have an agreement with the Iranian Government and believe that what was agreed between the two governments cannot be modified or reinterpreted by the Iranian Government unilaterally. We could not accept the idea that the agreement in any way has been altered by the particular form which the Parliamentary ratification took.

Mr. Mirfendereski listened to all of this but limited his comment to saying, "The law passed by the Majlis is the same as the Exchange of Notes".

I then referred to the status of dependents, saying that dependents were covered not only by the Exchange of Notes but by the Status Bill itself under Article XXXVII of the Vienna Convention. I added that we had not been able to find in the official account of the Majlis proceedings any reference to a motion for an amendment to exclude dependents from immunities. Mirfendereski said that no matter what the official record may say, such an amendment was put forward and defeated.

I remarked that we had been disappointed, after reading in the proceedings that the Prime Minister said that Mr. Mirfendereski would now read the text of the Exchange of Notes, that Mr. Mirfendereski had apparently not done so. The Under Secretary said that indeed the Exchange of Notes had not been read in the Majlis and that the record was again erroneous if it stated that the Prime Minister announced that the Exchange would be read. I commented that despite the non-reading of the Exchange, it was our view and that of an Iranian expert on our staff that there can be no doubt that the legislative history establishes the intent of the government that the Status Bill should give effect to the Exchange of Notes.

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Mr. Mirfendereski said that the whole question of immunities for American military personnel had turned out to be very troublesome indeed. The first difficulty had been created when the Senate had separated the Exchange of Notes from the Vienna Convention, and had created a separate law referring to Americans "in the employ" of the Iranian Government. He did not understand why this had been done. A serious and continuing problem was the knowledge in the possession of some critics that the Iranian Government had given to the Americans more in the way of immunities than they had received from any other nation, as the relevant Agreements in the hands of the Iranian Foreign Ministry revealed. In the Agreement with Pakistan, for example, there were provisions for the retention of jurisdiction by the Pakistan Government and a similar provision existed in the NATO Treaty. In the Greek Treaty the military advisory personnel were considered as members of the American Embassy. In the Turkish Treaty immunity only extended to acts committed while on official duty and there was provision for a bilateral commission to determin whether duty status was involved. But in the case of Iran, jurisdiction in criminal matters had been totally waived by the Majlis law and no amount of explanatory words could conceal this fact.

I of course said that the Agreement with Pakistan and the others had been in the possession of the Foreign Ministry for months, since we had provided them, and that we had been perfectly willing to conclude an Agreement of the Pakistan or Turkish type. The Foreign Ministry, however, had felt that the Vienna Convention afforded an excellent vehicle for arranging immunities, and the decision to go to the Majlis with the Convention and the Exchange of Notes had been taken by the Iranian authorities themselves. It was too late now to be thinking of other types of Agreements. Mr. Mirfendereski agreed with this.

He then came up with the following suggestion, which he said he was putting forward entirely personally without the knowledge of anyone else. He asked us to "think it over". The suggestion was that there be another Exchange of Notes in which the Iranian Government would notify us that the Status Bill had been approved by the Senate and Majlis, and was now in effect. In return the U.S. Government would take note of this and, referring to that paragraph of the Vienna Convention dealing with the waiver of immunity by the seeking State, would make some kind of reference to the willingness of the United States to give favorable consideration to waiving immunity in cases considered especially important by the Iranian Government. This would be along the lines of a similar provision in the Agreement with Pakistan. If this new Exchange of Notes were given publicity on a suitable

occasion, Mr. Mirfendereski thought it would go far to remove the unfavorable atmosphere existing for both Iran and the United States over the Status Bill.

I told the Under Secretary that we would think this suggestion over but that, of course, we could offer no opinion without authorization from Washington and that if we sought the views of the USG we would have to indicate the source of the suggestion. I also inquired whether, in the event the USG agreed to such an exchange, it might not be possible at the same time once and for all to resolve all the problems which had not yet been clarified, such as that involving the use of the term "in the employ of the Iranian Government", the application of the Majlis law to all U.S. military missions in Iran, etc. The Under Secretary said he thought that it should be possible to do this.

SWRockwell:mvw

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MEMORANDUM FOR THE FILES

October 29, 1964

SUBJECT: Vienna Convention

I had a further conversation with the Under Secretary of the Foreign Ministry today concerning the Status Bill. He referred to our conversation yesterday and particularly to my remarks to the effect that we did not agree that the Status Bill supersedes the Exchange of Notes. He said that under the Iranian Constitution there can be no such thing as an Executive Agreement, since all such arrangements have to be ratified by the Majlis. In this case the Majlis did not ratify the Exchange of Notes, but created a new law, and therefore the Exchange of Notes"has no juridical status" and remains "suspended in the air". I reiterated our argumentation that the legislative history clearly reveals the intention of the government to give legislative effect to the Exchange of Notes and said that in our view the Exchange of Notes remained valid, regardless of whether it had juridical status or not, unless it were modified by official action of the Iranian Foreign Ministry vis-a-vis this Embassy. I said that we considered there were two documents which were valid in this matter, the law and the Exchange of Notes, and that in reality they said the same thing, as he himself had stated yesterday. I further said that I hoped this matter would not become a subject of dispute between us, since all kinds of legal complexities might be involved and no good would be achieved. He agreed that the legislation of the Exchange of Notes served the same purpose and also that we must not permit a dispute to arise between us over this aspect.

I then said that I had been doing some thinking about his suggestion of yesterday that there might be a second exchange of notes involving some reference to the paragraph of the Vienna Convention dealing with the waiver of immunity. I inquired whether there might no be danger that opponents of the government, upon learning of the second exchange, might not criticize the government on the grounds that it had not known what it was doing when it sponsored the legislation and that now it had had to have recourse to the Americans to save its face with the Iranian people. The Under Secretary thought that only the most malign people would use this tactic and that such an arrangement would go far to remove concern among sincere people.

In a subsequent conversation with the Prime Minister the latter said, in response to my questions, that no specific word had gone directly from the Shah to the Mardum group in the Majlis that they were not to oppose the legislation. The Prime Minister had consistently urged the Shah not to seek to instruct the Deputies, but to leave the responsibility of achieving majority decisions on legislation to the Prime Minister, since it was

necessary to give the Majlis members the feeling that they exercise a certain degree of freedom. The Prime Minister had so far been able to produce the needed votes on legislation which the regime wanted, and he had not expected the degree of opposition and the cleverness of tactics which were used over the Status Bill. This was clearly the result of intrigues by people who were against his government and against the Americans, and Mansur specificially mentioned Arsanjani and Senators Sharif Emami and Sajjadi. He said the objective of the latter was to cause the Majlis to make an amendment in the legislation, no matter how slight, so that it would have to be sent back to the Senate, and there the Senators would try to alter the Bill and to recover the face they lost in the eyes of people who feel that they had been hoodwinked by the government. The Prime Minister gave me to understand that the Opposition had been led to believe by the government that a little talking against the Bill would be all right. However, the use of such tactics as calling the Deputies "traitors" if they voted for the Bill had had a totally unexpected effect on the more simple members of the Majlis. In the face of all these intrigues the Prime Minister felt he had no alternative but to push the Bill through as quickly as possible and to defeat all motions to alter it. He felt the same way about making public clarifications. This would do more harm than good.

(I am now more than ever convinced that the Shah did not authorize opposition to the Bill and that the reason that word from him not to oppose was not conveyed very strongly was that the Prime Minister had assured the Shah that there would be no serious trouble. Mansur told me that it was true that the Opposition leadership had assured him that they would not strongly oppose.)

The Prime Minister then raised the question of whether there was anything that could be done now to alter what had been passed by the Majlis along the lines of the Pakistani Agreement. After making clear that we would have been entirely agreeable to signing a Pakistani-type Agreement in the first place, I said that I did not see how this now could be done without reference back to the Majlis and that I thought this would be most undesirable, as it would reopen the whole question. He agreed, but it was clear that the whole experience had been profoundly disturbing to him and that he was seeking in his mind a way to put a better light on things. I did not mention to him Mirfendereski's suggestion about the waiver of immunity clause in the Vienna Convention.

SWRockwell:mvw

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Date: Oct 31, 1730

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ACTION: Secstate WASHINGTON 487

INFO: CINCMEAFSA 27

CINCMEAFSA for POLAD

Embtels 404 and 448, and Embassy A-195

While ramblings about status bill and "capitulations" continue, we have come into possession of information which sheds further light on the October 13 vote and especially on role of the Shah in countenancing some opposition on that occasion. As indicated in our A-195, we know that Shah about one week before the debate sent word to Majlis that he took dim view of deputies who held themselves out to be greater patriots than he; but we did not know whether he might not have nevertheless authorized opposition, perhaps in erroneous belief that it would not be widespread and that it would improve appearances. It now appears that he did not rpt not authorize opposition but was misled by PriMin into believing it could be easily handled by Govt.

Minister of Health Amuzegar tells us that shortly before the debate, Mardom faction leader Rambod berated Mansur and asked him specifically whether the Shah approved the Status Bill, to which PriMin replied in the affirmative. Refusing to believe this, Rambod sent a written inquiry to

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the Shah. This was very poorly received. How could Rambod believe, the Shah replied, that GOI could submit such an important piece of legislation to Parliament without his explicit approval? But Shah did not specifically instruct Rambod to desist from opposition.

Prime Minister himself subsequently told me that no rpt no specific word had gone from the Shah to Mardom group that they were not to oppose the Status Bill. This, he said, was in line with Mansur's consistent policy which is to urge the Shah not to seek to instruct the deputies but to leave responsibility for achieving majority decisions on legislation to the Prime Minister. In other words, as previously reported, Mansur had been over-confident. Had he asked the Shah to send specific instructions to the opposition, there is no reason to doubt they would have been sent.

If Mansur was over-confident, one reason for this, which has also come to light during past few days, is that he was deliberately tricked by the opposition leaders. On the day prior to the vote, October 12, Rambod told New Iran Party leadership that he had decided not to attack the Status Bill. Under the circumstances, the majority was unprepared for virulence of opposition attacks and some panicked when words like "treason" and "violation of the constitution" were used. Mansur has confirmed to us, incidentally, that among New Iran Party defectors were especially former land reform

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officials who, understandably, are particularly susceptible to influence of Arsanjani.

One further fact that has emerged from these recent discussions is that complete disaster was avoided by even narrower squeak than we had believed. According to PriMin, there was concerted move afoot to amend the bill in order to have it returned to the Senate, where Sharif-Emami and group of Senators would have been delighted to recover the face they lost in eyes of people who feel that Senate acted too quickly in approving status arrangement. This serves to confirm wisdom of our decision (see section 1 ref airgrms) that it was better to accept somewhat unsatisfactory wording of the bill as it had come from Senate, than to risk complete deadlock which could have resulted from any attempt to amend it.

One especially troublesome element in current criticism of Govt and of Status Bill is that it also comes from elements of the Iranian judiciary that will have to implement the law. As Department is aware, a restrictive interpretation of the law, without reference to the original exchange of notes, could leave us without the full coverage that we had sought and that Govt had intended to give us. This is also worrying Foreign Ministry officials with whom we are discussing ways and means of assuring that the

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spirit of our original exchange of notes will be preserved.

We believe that simple way can be found by which both Govt's position vis-a-vis opponents of the Status Bill and our own interests in this matter can be significantly improved. This will be subject of early forthcoming communication.

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ROCKWELL

POL: MFHara:vme
Cleared: ARMISH/MAAG: Maj. Hart (last para.)

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2 November 1964

MEMORANDUM FOR RECORD: Meeting with Foreign Minister Aram

SUBJECT: Immunities Bill

1. On 1 November 1964, at his urgent invitation, Mr. Herz, United States Embassy and myself visited Dr. Kazemi of the legal staff of the Foreign Ministry to discuss the implications of the recent Majlis approval of the Immunities Bill. Dr. Kazemi said he needed explanations and guidance so that he could answer questions put to him by his Foreign Minister.

2. The recent expression of the Prime Minister before the Senate was discussed and it was agreed that some of his utterances were inaccurate with regard to interpretation of the Vienna Convention.

3. Dr. Kazemi was particularly interested in determining the difference, if any, between the two components of ARMISH/MAAG—ARMISH and MAAG. We assured him that there was no real difference and explained that the two terms had grown out of the Advisory Mission which was first established as a result of the 1947 Agreement and the later MAAG Group which was established to support the Military Assistance Program started in 1950. It was pointed out that the functions of the two groups have long since been merged and that the number of advisors far exceeds the so-called accredited spaces attributable to ARMISH.

4. The necessity for obtaining proper identification cards for persons to be covered by the Convention was emphasized to Dr. Kazemi. The fact that proper identification would minimize the necessity for judicial authorities to interpret the meaning of the new Bill was discussed. Dr. Kazemi appeared to agree with this premise. Dr. Kazemi then informed us that the Foreign Minister himself would appreciate having our explanations directly from us so we repaired to his office for the discussion.

5. Dr. Aram also expressed an interest in the terms ARMISH and MAAG and these were again explained. He expressed an interest in the other U.S. military groups in Iran and requested that we submit a paper to him outlining what these groups were and, if possible, include a copy of each pertinent Agreement establishing their functions in Iran. We were asked if we considered civilian employees to be within the purview of the Convention and we explained our position that we felt the definition contained in Note Nr. 299 was still pertinent, i.e., all DOD employees and their families were considered as being a part of the technical and administrative staff as defined in the Convention. The Foreign Minister neither affirmed nor denied this

position. When we said that the Iranian Government surely wishes to give effect to our exchange of notes he agreed, but at another time he said he was troubled by the view that the notes have been superseded by the Bill.

6. With regard to scope of application of the provisions of the Bill it was pointed out to the Foreign Minister that as a matter of custom, international law provides that the Foreign Ministry has the power to conclusively determine the question of diplomatic status of individuals, (citing Oppenheim's International Law, Lauterpacht, Volume I, Paragraph 357), and that we therefore felt that ratification of the Convention gave the Foreign Ministry sufficient latitude to determine who would be immune under its provisions without further reference to any other deliberative body. Mr. Aram said the matter is not that simple because other Ministers (he mentioned the Ministry of Economy) do not recognize his Ministry's prerogative in the matter.

7. We also urged that the action of the Senate in specifically applying the provisions of the Convention to U.S. military personnel "in the employ" of the Iranian Government did not affect our agreement but helped the Iranian Government to clarify the questionable status of one category of personnel where legislative action has been necessary, but could not be interpreted to restrict the application of immunities to these people only. This would be so since normally the employees of the receiving state would not benefit from any immunity conferred on representatives of a sending state. We referred to the earlier exchange of notes as showing the necessity for clarification of this particular category of personnel in the Missions. We assured the Foreign Minister that an attempt to restrict the application to only those persons in the employ of the Iranian Government would almost completely nullify the intent of the two Governments. The Foreign Minister first indicated that the previous Notes exchanged on the subject might be of no validity inasmuch as the Senate had expressly deleted reference to the Notes in the Bill which they finally passed. After our position was explained to the Foreign Minister, that we considered the Notes to be particularly important as an expression of the intent of the parties and further, that we felt the legislative history compiled prior to passage of the Bill must be referred to as expressive of the intent of the Iranian Government, he seemed to be tentatively in agreement, but still troubled.

8. It is noted that both Dr. Aram and Dr. Kazemi tried to minimize the significance to either the Exchange of Notes or the legislative history accompanying passage of the Bill. We made it perfectly clear that we did attach particular significance to both the Notes and the legislative history.

9. Everyone agreed that it was necessary to clearly define the role of the military missions in Iran today, i.e., that we are not members of troop units and that the missions in Iran are strictly advisory and not tactical in the military sense. The Foreign Minister indicated that thepopular opposition stemmed from the image of the military gained from past experience. Dr. Aram said that the opposition to the Bill had been particularly heavy from religious leaders and also that radio Peiping was utilizing the Bill as a propaganda measure.

10. The Foreign Minister also desired to know why a Status of Forces Agreement had not been requested, rather than working through the medium of the Vienna Convention. The difference between a Status of Forces arrangement and the conferring of diplomatic status was thoroughly explained and an example of the two types of Agreements was given, citing that of the Communications Unit Agreement in Pakistan and the conferring of immunity on the MAAG in Pakistan by assimilation to the United States Embassy. Dr. Aram requested copies of these two Agreements and Mr. Herz agreed to extract them. (Since he already has the SOF type of agreement, it was agreed that only the relevant language of the MDA Agreement must be furnished.) Other agreements of a like nature were cited and Dr. Aram requested a list of those countries conferring immunities on military advisory groups along with the significant wording of these agreements. Mr. Herz told Dr. Aram that the mode of solving this problem through the Vienna Convention had been agreed upon by the predecessor representatives of both Governments and that it apparently was felt by the Iranian Government that working through the Convention was preferable to a Military Defense Assistance Agreement or a formal Status of Forces Agreement.

11. We also told the Minister that while this Bill had caused political significance in Iran that the situation with the advisory group had long been a matter of concern to the American Congress and that we feel that this fact should be weighed in its significance also by the Iranian authorities. Dr. Aram agreed.

12. In connection with the image of the American military group, Major Hart pointed to the absence of any serious violent crime committed by members of the American military mission since its inception in 1947. The Foreign Minister said this was most useful information. Mr. Herz mentioned that if a serious crime were committed, we would probably waive jurisdiction. Dr. Aram asked if this could be confirmed in writing, but Mr. Herz said 'we are still working on this matter'. It was further pointed out that the military authorities would punish offenders (trial outside of Iran) and our policy with regard to the payment of claims was reiterated. A specific case in

point was discussed wherein payment of 600,000 rials will be made to an Iranian claimant on 2 November in connection with an automobile accident involving a Department of Army civilian. The Foreign Minister requested a comprehensive paper on this matter of payment of claims from Major Hart, apparently feeling that this information would be of value as a publicity matter. Dr. Aram emphasized that there should be a cooling off period before an attempt was made to implement the Bill. He did not indicate how long this period should be. In summary he made three points:

a. The need to clarify the exact scope of application of the Bill, and his willingness to do this,

b. The need to orient the "man in the street" as to the position of the military in Iran and,

c. The need for a cooling off period.

13. In conclusion it is felt that the following points are significant:

a. At present there is no clear acceptance by the Foreign Minister of our position that all DOD employees and their families are covered by the Bill. Their attitude with regard to this is inconclusive — they neither accept nor reject this premise. We must push our interpretation of this scope at every opportunity citing the Exchange of Notes, the legislative history of the Bill and our interpretation of the Bill as giving the executive branch (Foreign Ministry) the prerogative to determine who shall be covered by the Convention or, conversely, the Bill did not take away or restrict this power which has always existed under international practice.

b. In order to preclude the opportunity for administrative and judicial interpretation, identification cards for personnel affected, readily identifiable to police authorities, are an absolute necessity.

c. The Iranian authorities must possess sufficient facts about the military mission to be able to explain the true mission and thus be prepared to counter opponents of the Bill.

d. While a cooling off period prior to implementation may be advisable so as not to seriously affect the present administration, we must take care not to allow this inertia to be interpreted as an accepted, long-term condition.

MARTIN F. HERZ
Counselor of Embassy for
Political Affairs

ROBERT E. HART
Major, JAGC
Staff Judge Advocate

Tehran, November 2, 1964

Excellency:

In accordance with our conversation in your office yesterday afternoon, I am pleased to send you an informal "Fact Sheet" on some of the points which we covered during the discussion. I am sending another copy of that paper directly to Mr. Kazemi.

Sincerely yours,

Martin F. Herz
Counselor of Embassy
for Political Affairs

His Excellency
Abbas Aram,
Minister of Foreign Affairs,
Tehran, Iran.

MFH

1965

FACT SHEET

Status of U. S. Military Personnel In Iran

1. Although U.S. advisory personnel have been in Iran since 1947, there has until recently been no arrangement specifically covering their juridical status.

2. This has been an anomaly. Iran has been the only country of the approximately sixty countries receiving U.S. military advisory assistance where advisory personnel have been, technically, subject to local jurisdiction. In actual fact, we have resolved such cases when they came up, but the situation has been far from satisfactory and has led to criticism in the U.S. Congress.

3. The situation has been particularly hard to explain because Iran is the only country in the world which receives U.S. military assistance on the basis of a long-term (5 year) U.S. commitment. The question had been asked why Iran, which receives especially favorable treatment from the U.S. in the matter of military assistance, should give especially unfavorable treatment to the U.S. military advisory personnel who are providing assistance.

4. The usual arrangements covering U.S. military assistance advisory group (MAAG) personnel have been called Mutual Defense Assistance (MDA) Agreements. They provide for the presence of MAAG personnel and specify that they shall operate as part of the U.S.Embassy and, as a result, are entitled under customary international law to diplomatic immunity from the jurisdiction of local courts. An example is the MDA Agreement

with Pakistan, concluded on May 19, 1954. Its Article IV, paragraph 1 says:

> "The Government of Pakistan will receive personnel of the Government of the United States who will discharge in its territory the responsibilities of the Government of the United States under this Agreement and who will be accorded facilities and authority to observe the progress of the assistance furnished pursuant to this Agreement. Such personnel who are United States nationals, including personnel temporarily assigned, will, in their relations with the Government of Pakistan, operate as part of the Embassy of the United States of America under the direction and control of the Chief of the Diplomatic Mission, and will have the same privileges and immunities as are accorded other personnel with corresponding rank of the Embassy of the United States who are United States nationals. Upon appropriate notification by the Government of the United States the Government of Pakistan will grant full diplomatic status to the senior military member assigned under this Article and the senior Army, Navy and Air Force officers and their respective immediate deputies."

Agreements of this type are in effect with approximately 39 countries including, for instance, Belgium, Brazil, Burma, Federal Republic of Germany, France, United Kingdom, etc. (A list of countries where such agreements were concluded is attached. We do not know here which is the 39th country, but in any case we assume that not all of these countries still have MAAG's today.) In some of these countries the Agreements operate (or operated) without special, implementing domestic legislation. In others, domestic legislation was enacted expressly confirming the immunities conferred by the MDA Agreements.

5. A separate type of agreement, known as a Status of Forces (SOF) agreement, exists in the case of countries where U.S. military troop units are stationed. In the case of such units, the situation differs from that applying to military advisory missions. SOF Agreements make

a distinction between on-duty and off-duty offenses; they have detailed provisions for custody arrangements; they provide for "primary" jurisdiction and waivers of such jurisdiction; and they provide for cooperation in assuring military discipline.

An example of such an agreement is the agreement with Pakistan dated July 12,1959, regarding "Establishment of a Communications Unit." (The Ministry of Foreign Affairs has a copy.)

6. In Iran, there exist, in addition to the U.S. Military Advisory Missions proper (ARMISH/MAAG and GENMISH), also various small military groups which render specialized assistance to the Iranian Government (the Topographic Training Team, the Gulf District Engineers, Tehran Relay, Signal Relay, Research Support Group and Military Liaison Groups). It has been found convenient to group all U.S. military personnel together and accord one status to all of them which is closer to the MDA-type of status since all these personnel are deemed to be here to render assistance to the Iranian Government.

7. Specifically, ARMISH/MAAG consists of the original Army Mission (ARMISH) which operated under the 1947 agreement, and the usual MAAG which arrived specifically in connection with U.S. military assistance deliveries starting in 1950. ARMISH personnel had been technically "in the employ" of the Iranian Government,but subsequent to the so-called Mansfield Amendment passed by the U.S. Congress in 1959, arrangements were worked out whereby compensation would be paid directly to the U.S.Government and

not to the personnel themselves who are paid by the U.S.Government. In actual fact, all the U.S. military personnel in Iran are considered to be here to render technical assistance to the Iranian Government, whether they are ARMISH/MAAG -- the two elements of this body can no longer be separated -- or GEEIRISH or Topographic etc.

That is why the United States Embassy, in its Note No. 299 to the Iranian Foreign Ministry, said that"the phrase 'the members of the United States Military Advisory Missions in Iran' is applicable to those United States military personnel or civilian employees of the DOD Department of Defense and their families forming part of their households who are stationed in Iran in accordance with agreements and arrangements between the two Governments relating to military advice and assistance." Our Note No. 299, together with the Iranian Note No. 8296 to which it replied, constitutes an Agreement between our two Governments.

8. The Iranian Government has had a problem in giving effect to this agreement because, technically, it could be argued that since ARMISH personnel are still in some respects in the employ ofthe Iranian Government, application of diplomatic privileges to them (but not to all the other U.S. military personnel) required parliamentary approval. This the Iranian Government set out to obtain.

9. We know from some statements in the press that the Iranian Government is supposed to be actually according less to the United States than was specified in our Exchange of Notes, but we cannot believe that this is so because of the legal background -- and also

because of the political situation of close cooperation that surrounds our entire military assistance program. Some points in this connection are clarified in the next following discussion which relates to the Vienna Convention.

10. The U.S. Government has long been prepared to conclude a standard MDA type of agreement with the Iranian Government; and there is no reason to doubt that, if the Iranian Government had preferred a SOF type of agreement, this also could have been concluded. The Iranian Government preferred, however, to tie the matter to the Vienna Convention. This is not unusual. Since the Convention was concluded in 1961, other countries have also found it convenient to define the immunities of similar U.S. military personnel by reference to the Vienna Convention.

11. Whereas the MDA Agreements do not go into any distinction betwee criminal and civil jurisdiction (which in practice, however, is now defined in accordance to the Vienna Convention), the Vienna Convention clearly specifies that immunity from criminal prosecution is absolute (in the cases of "administrative and technical staff") whereas immunity from civil and administrative jurisdiction "shall not extend to acts performed outside the course of their duties."

Since this is now the accepted international canon, it is apparent that there really is no substantive difference between Vienna Convention treatment and treatment under the MDA Agreements; but if the Iranian Government finds it advantageous, for public relations purposes, to claim that the immunities accorded to U.S. military personnel are more limited

than those which the U.S. receives in other countries, we have no objection to such a general statement. When it comes to particulars, however, we must be very careful.

12. It has been stated, for instance, that under the bill passed by the Iranian Parliament the dependents receive no immunity. This is clearly erroneous. Article 37, paragraph 2 of the Vienna Convention confers the immunities described above to "members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households."

13. It has also been stated, also erroneously, that certain members of the U.S. military advisory missions are not covered by the Vienna Convention. By the text of the bill itself, which simply speaks of "the Chief and Members of the United States Military Advisory Missions", there can be no distinction between different kinds of members.

14. As regards criminal jurisdiction, while this is a matter of political importance because of the charge that immunity involves some undue concession to the foreign government, actually there has been no serious violent crime committed by a member of the U.S. military missions in Iran.

15. As regards civil jurisdiction, in practice ARMISH/MAAG, acting for all the military personnel in Iran (even military attaches and their staff), has invariably made expeditious settlement of claims even without the need to report to Iranian courts; but it is recognized that civil claims in off-duty cases could come under the jurisdiction of Iranian courts.

For example, in the year 1964 to date the Foreign Claims Commission of the Military Mission has paid a total of 1,064,719 Rials for personal injury and property damage to Iranian citizens. (This amount does not include insurance payments made as a result of the military policy of requiring every member who drives to carry a minimum of 300,000 Rials third party liability insurance.)

The most recent settlement of this kind, made on November 2, involved the payment by ARMISH/MAAG of 600,000 Rials to the family of an accident victim in Resht. The civil aspects of this case thus never needed to come to court. Most of the cases that have come up have been traffic accident cases.

1. Belgium
2. Brazil
3. Cambodia
4. Chile
5. Congo
6. Columbia
7. Denmark
8. Ecuador
9. Ethiopia
10. Federal Republic of Germany
11. France
12. Great Britain
13. Greece
14. Guatemala
15. Haiti
16. Honduras
17. Indonesia
18. Italy
19. Japan
20. Korea
21. Laos
22. Libya
23. Luxembourg
24. Netherlands
25. Nicaragua
26. Norway
27. Pakistan
28. Peru
29. Philippines
30. Portugal
31. Saudi-Arabia
32. Senegal
33. Spain
34. Taiwan
35. Thailand
36. Turkey
37. Uruguay
38. Vietnam

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TELEGRAM

Foreign Service of the United States of America

OUTGOING AMEMBASSY TEHRAN

Charge: State

CONFIDENTIAL
Classification

Control: 16

Date: Nov. 2, 1964
1630

ACTION: Secstate WASHINGTON PRIORITY 495

INFO : CINCSTRIKE 28

CINCSTRIKE for POLAD

Country Team Message

Ref Embassy A-195 and Embtels 404, 448 and 487

Subject is legal clarification of status bill which is shortly to go into force as law extending immunities of Vienna Convention (applying to personnel described in its Article 1, paragraph f) to "Chief and Members of U.S. Military Advisory Missions in Iran who by virtue of relevant agreements are in employ of the Iranian Government."

As explained in reference communications, wording of this law is defective but explanations offered in course of Majlis debate make clear (or in any case permit it to be argued) that govt intended to give effect to our exchange of notes of last year. Our Note 299, as approved last year in Deptel 440, carefully avoided phrase "in the employ of the Iranian govt" and defined personnel covered as "those U.S. military personnel or civilian employees of Department of Defense and their families forming part of their households who are stationed in Iran in accordance with agreements and arrangements between the two Governments relating to military advice and assistance". It should be noted, however, that although government referred to the notes, it did not furnish our

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2. Date:

comprehensive definition as contained in Note 299 in course of debate. On the other hand, the notes were read to the Foreign Affairs Committee.

During our discussions with FonOff after passage of status bill (discussions which in view of overheated political atmosphere we kept deliberately tentative and informal), we encountered ambivalent position. On one hand Mirfenderesk, Under Secretary for Foreign Affairs, acknowledged that status bill and exchange of notes "are the same", but on other hand he felt that exchange of notes might be deemed to be superseded by the law and he expressed doubt for instance that dependents are covered. (As we see it, dependends are clearly covered because article 37, paragraph 2 of Vienna Convention defines privileges and immunities of personnel described in article 1, paragraph f.) We have of course taken position that our original agreement as contained in exchange of notes cannot be limited or redefined by Iranian domestic law, but there is real possibility that Iranian courts might in future apply only the letter of the status law and not its manifest spirit, unless we nail down precise coverage soon in agreement with Iranian govt.

We view this problem as primarily political rather than legal. Govt has permitted itself to be placed on defensive, and its policy of suppressing public discussion has not, as it had expected, resulted in quieting wide-

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Charge: Control: 16

3. Date:

spread opposition. Among charges made against Mansur and FonOff is that by applying Vienna Convention to US military personnel in Iran they have granted us more than we have received through various status of forces arrangements in other countries, notably in neighboring Turkey and Pakistan. This is of course partially true. If Iran had wanted SOF type of arrangement we would presumably have been prepared to accept it, but Iran preferred to tie immunities to Vienna Convention. Mansur govt is now in awkward position of having to explain to knowledgeable people, including Iranian legal profession, why in Iran jurisdiction is surrendered to US courts in all criminal cases whereas it is known that status of US communications unit in Pakistan, for instance, clearly involves such surrender only in off-duty cases. Moreover, SOF agreements have language calling for waiver of primary jurisdiction in cases of "particular importance" and, on the face of it, arrangement enacted by Iranian Parliament makes no such provision.

We think it would be exceedingly helpful to GOI, and thereby would improve our chances of getting the clarifications that we require, if we could (perhaps in return for specific acceptance of status definition of our Note 299) say to them that with respect to the waiver provisions in Article 32 of Vienna Convention, we will in future "give sympathetic consideration to a request from the Imperial Government for a waiver of

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4. Date:

immunity from criminal jurisdiction in cases where the Imperial Government considers such waiver to be of particular importance."

This would cost us little. Presumably, in cases of heinous crimes the U.S. would, if it were politically important, waive immunity regardless of Article 32 of Vienna Convention and whether or not SOF type of arrangement exists. GOI would have to understand, of course, that "cases of particular importance" would only be heinous crimes such as murder or rape, and not for instance traffic offenses regardless of their seriousness. Since there is no distinction in the status law between on-duty and off-duty offenses, we believe it would be difficult to use the more categorical language in the Pakistan SOF agreement (TIAS 4281, Annex B, para 3 c) which omits the words "give sympathetic consideration."

Although we are prepared to argue that in any case the status bill clearly gives effect to the exchange of notes, and thus to our definitio in Note 299 (and we have good legal arguments to make this case, includi but not limited to those outlined in our A-195), for political reasons i seems most desirable that we be able to offer the GOI something in retur for the explicit clarification that we require. As Washington is aware our experience in previous status cases, the Iranian judiciary is not always amenable to direction from FonOff in immunity matters. Therefore

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it is to our interest not only to clarify the legal situation but also to help create a political climate in which the status law can be smoothly implemented. We think expression of our willingness to waive immunity in criminal cases "of particular importance" would go a long way toward creating such a political climate, in addition to making the GOI more amenable to clarifying our coverage.

We realize that definition of U.S. position in this matter will probably require several days. However, we are in continuing contact with FonOff and as statements are beginning to be made which tend to muddy the situation still further, we would appreciate preliminary Washington views as soon as possible.

GP-3

ROCKWELL

POL:MFHerz/mja
November 2, 1964

ARMISH/MAAG:Major Hart

AID-Mr. Adler) concurrence
USUS-Dr. Arnold) by telephone

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OPTIONAL FORM NO. 10
5010-104
UNITED STATES GOVERNMENT

Memorandum

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TO : The Files

DATE: November 2, 1964

FROM : SWRockwell

SUBJECT: The Vienna Convention and the Status Bill

I called on the Prime Minister at my request today to discuss further with him the Vienna Convention and the Status Bill. I said first that I had come to congratulate him on the effect of his statement in the Senate on October 31. I said we had received the impression that this had done much to dispel the apprehension and confusion concerning the Vienna Convention and the Status Bill.

I went on to say that I had also come to seek his help in connection with the report which I would have to make to my government concerning certain aspects of his remarks which, if accurately reported in the press, seemed out of line with our understanding. I added that I had reported nothing to Washington, and had refrained from any official comment to the local press, in order to avoid the impression that there might be a misunderstanding or dispute between our two governments when in fact, as I hoped to hear from him, there was no such divergence of views.

I referred to his reported statements to the effect that members of the families of the military men are not covered by the immunities granted by the new legislation, nor are personnel other than military members, and also that immunity from criminal jurisdiction extends only in cases involving on-duty status.

Taking up the latter point first, the Prime Minister said that regardless of what may have been reported, he had not claimed in the Senate that immunity from criminal jurisdiction would not apply in off-duty hours. What he had said was that members of the military missions are not free from civil jurisdiction in non-duty matters, having in mind such problems as the refusal of a member of an advisory mission to pay his rent, etc. He said that he made clear that US military men are not subject to arrest but they are subject to the fulfillment of their civil obligations in matters involving Iranian citizens. I said I was glad to receive this clarification.

With regard to the matter of the members of the families, I received the impression that the Prime Minister did indeed believe that they were not covered. He said, "This means that if the son of some general gets involved in a criminal liability, he is immune to criminal jurisdiction?" I replied that this was the case and showed him the relevant section of the Vienna Convention. I also asked him to read the attached paper and stressed the point made therein that members of the families are an integ

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part of the entity formed by the members of the mission. The Prime Minister then said that it had been stated in the Majlis that members of the family were not covered. When I asked by whom, he said, "some Deputies". I pointed out that no member of the government, prior to the passage of the legislation, had made any such distinction, and that the actions of himself and the Under Secretary of the Foreign Ministry had clearly been designed to obtain legislative effect for the Exchange of Notes by our two governments and not to restrict the validity of the undertakings contained in those Notes.

The Prime Minister then picked up the phone and asked for Dr. YEGANEH. When the latter came on, Mr. Mansour asked in Persian about the possibility of altering the text of the record of his remarks in the Senate concerning the members of the family. He did this in such a way as to lead to the clear impression that the matter had been discussed between the two men before. After listening to Dr. Yeganeh, the Prime Minister said that, as I knew, his remarks had lasted an hour, without a text, and that it was possible that a mistake might have been made here and there. For example, one Persian word, "khanevade" means a family in the sense of parents and blood relations, while another "khanevar" means household, in the sense of all the people living under one roof and dependent upon the head of the family. It was the latter term which he had had in mind and there had been no intention at all on his part to exclude the American dependents from immunity. What he had meant was that Iranian and other non-American employees of the military personnel were not covered by the new law.

I said that I was pleased to hear that this was what he had had in mind and asked how we should proceed in order to make certain that all doubts were cleared up. In reply, Mr. Mansour first said that it was very important that nothing more be said publicly about this matter. His remarks in the Senate had calmed things down and the situation should not be heated up again. Mistakes could be quietly corrected, but meanwhile it was important that the Embassy not make comments to the press or other remarks which could be used by unfriendly people to keep the pot boiling. I of course said that we had carefully refrained from talking about the matter in order not to create the impression that there was a dispute between us but that we had both suffered in the process of this whole debate and that we felt strongly that out of it we should obtain, with certainty and precision, the ends which we had both been seeking. The Prime Minister reiterated that there was no difference between us and that as soon as the minor administrative matter of putting the missing Article 32 back into the text of the Vienna Convention as passed by the Majlis is completed, the Iranian Government would formally notify us that the Convention had been adopted as well as a law applying it fully to the military missions here. If at some subsequent date there should arise a

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difference of views concerning the interpretation or application of the Convention, with regard to a specific case, this could be worked out quietly between the two governments. The US Government should not be concerned because the full applicability of the Vienna Convention to the military mission had been achieved.

I thanked the Prime Minister for his remarks and once more referred to the undesirability of a dispute between us concerning the Convention and to the need to assure that all we had both worked so hard to achieve was in fact accomplished. I said in passing that when His Majesty had discussed the matter recently with General Eckhardt he had given no indication at all that he had in mind any restriction of the provisions of the Convention as far as the personnel of the military missions was concerned.

I said that I had in mind making available to the Foreign Minister the same paper which I had left with Mr. Mansour, but he asked me not to do this since the necessary corrective action concerning his remarks would be taken.

The Prime Minister subsequently telephoned me to say that he had examine the Persian text of his remarks and there was indeed ground for misinterpretation of what he had said concerning the members of the families. The text would be edited to contain the meaning which he had explained to me, and therefore there would be no doubt that American dependents would be covered. He further said that in any event his explanatory remarks to the Senate would not have validity as far as the legislation itself was concerned, since they were made after it had been passed and not before.

The Prime Minister then said again that he wanted this matter to be kept between us and not taken up with the Foreign Ministry.

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Foreign Service of the United States of America

OUTGOING AMEMBASSY TEHRAN

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Charge: State

Control: 31

Date: Nov. 3, 1964 1300

ACTION: Secstate WASHINGTON 499

INFO : CINCSTRIKE 31

CINCSTRIKE for POLAD

Ref Embtels 448, 487 and 495

Vienna Convention - Status Bill

Prime Minister Mansur, in a comprehensive foreign policy speech before the Senate Saturday, for the first time gave public explanations regarding background and coverage of the status bill. Speech was prominently featured by press, rebroadcast over the radio, and has perceptibly improved public climate surrounding the status question.

As Kayhan International put it, Mansur's speech "in effect made amends for Government's handling of the bill, as far as public was concerned. The Administration's hush-hush line had provided fuel for flickering embers of whatever opposition there is in the country. That fire at one moment threatened to spread, with opposition apparently out to exploit what they thought to be Government's Achilles heel. And because exact terms of the bill were not known, and it was not possible to determine the extent of immunity granted, the critics, working from their pulpit sanctuaries or fifth column hideouts, spread the lie that very independence and sovereignty of Iran were being bartered."

Among deputies and Senators, there is rejoicing that the air has

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been cleared by Mansur's statement.

Unfortunately, however, Primin's speech contained not only helpful statements but also number of glaring inaccuracies which look good to the public but apparently involved serious misrepresentation of the bill's coverage. In particular, he was reported to have said three things which are wrong: (1) that, whereas the US had asked dependents to be covered, they are excluded from coverage by the wording of the law; (2) that only on-duty offenses are covered by immunity, apparently without distinction between civil and criminal offenses; and (3) that, although the US had asked all members of advisory missions to be covered, the law actually covers only those who fulfill technical advisory functions.

Ziai, Chairman of Majlis Foreign Affairs Committee, acknowledged to us Sunday that these statements correspond neither to the law nor, in particular, to the legislative history. PrimMin told us privately on the same day that he was aware Mansur had said things that were not true; but we could not rely on Aram to set things right.

Accordingly, I sought urgent interview with Mansur yesterday and, while congratulating him on the popular success he had/scored with his speech, asked him how we are to report certain apparent mistakes which might be due to misquotation by the press but which could cause future trouble. He backed down all along the way. Regarding families, he said

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he might have used the wrong word but had meant to refer to members of household who are not members of family. (I believe he really had believed that members of the family were not covered, but realized his error when I pointed out to him the relevant provision of the Convention. It is also possible that others beforehand had alerted him to his mistake. He subsequently phoned to say he was arranging to have official record of his remarks amended to make clear he was referring to non-American members of household.) As for on-duty or off-duty distinction, he had clearly said, he claimed, that this applies only to civil liability. And as for coverage of members of advisory missions, he had only meant to say that Iranian employees of those missions cannot enjoy immunities.

I then asked what he intended to do to rectify the erroneous public impression which his remarks had created, adding that I had refused to answer press queries as to whether Embassy agreed with PriMin until I had chance to talk with him. His reply was instantaneous: By no means must there be further public discussion of this matter. Mistakes could be corrected by amending the record. He did not even wish the Foreign Ministry to be brought into the matter for time being. PriMin said he had certain difficulties due to fact that Vienna Convention had inadvertently been submitted to Majlis minus one article. When this and other elements of the record had been tidied up, GOI would formally notify Embassy that

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law applying provisions of Vienna Convention to members US military advisory missions was in effect. The full provisions of the Convention would apply. I said I was glad to hear this, as both US and Iran had suffered from this long drawn-out process, and we must make certain that the goal we have both been seeking is fully achieved. Furthermore, when General Eckhardt had recently discussed matter with Shah, latter had given no indication at all that he had in mind anything but the full application of the provisions of the Convention to the US military advisory missions.

This incident clearly demonstrates importance that must be attached to early formal clarification of the coverage obtained through the status bill, and notably the continued validity of our original exchange of notes. It also shows timeliness of our recommendation in Embtel 495, which involves some sweetening of pill to obtain the desired result. If the Foreign Ministry balks at providing the necessary language, we must hold the Prime Minister to his word and if necessary go to the Shah. We have been fighting too long to achieve this coverage for our military people, and received too much in the way of unfavorable public repercussions, largely as a result of the ineptitude of the GOI in handling this matter, to risk losing our full goal at this stage of the game owing to lack of precision or effort by some Iranian officials to engage in back-tracking

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5.

Date:

maneuvers.

GP-3.

ROCKWELL

POL:MPHern/SWRockwell/mja
November 3, 1964

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OPTIONAL FORM NO. 10
5010-104
UNITED STATES GOVE MENT

Memorandum

CONFIDENTIAL

TO : The Files

DATE: November 3, 1964

FROM : SWRockwell

SUBJECT: Vienna Convention - Status Bill

In response to a summons from the Prime Minister, I went to his office today. Mr. Mansour referred to our discussion yesterday concerning his remarks in the Senate on the subject of the Status Bill. He said that examination of the Persian text revealed that the correct meaning concerning members of the families could be given by changing only one letter in the appropriate words, and that this would be done. He remained strongly opposed to any further public clarification, as this would only heat up the issue again. However, he would convey the substance of our conversation yesterday to the Foreign Ministry in a memorandum for its files.

I told the Prime Minister that I had fully reported our conversation of yesterday to the Department and that, therefore, his remarks were a matter of record in Washington as well. I referred to his statement that we would be formally notified by the Foreign Ministry concerning the entry into effect of the new legislation and said that with the thought in mind of possibly being helpful, I had prepared some simple language I thought would provide ample clarification of the situation concerning immunities as it could be conveyed to us by the Foreign Ministry at the time of the formal notification. Mr. Mansour asked to see this language and I gave him a copy of the attached paper. He read it and said that as far as he could see there should be no difficulty, but he could not render a final opinion at this time. He reiterated, however, that his intention was that the notification from the Foreign Ministry should be satisfactory to us.

Mr. Mansour then said that it had been brought to his attention that members of the Embassy staff were criticizing the way the government had handled the Bill, saying that it would have been better had it been handled this way or that way. This had made him very unhappy, and he would be even unhappier if he heard that such remarks were continuing to be made. I said that that very morning I had instructed the staff to make no comment to Iranians concerning the Status Bill except to say that the law had now been passed and we considered the Vienna Convention to have been applied to the military mission. I added that, as he knew, we had been disturbed over the fact that sincere and well-intentioned people might have been genuinely confused, in view of the policy of silence with regard to the implications of the Bill, and that we had informally suggested, to himself and to the appropriate officials of

the Foreign Ministry, that it might be desirable for a public explanation to be made. This had now been done, with good results, and I would reiterate to the staff that the line set forth above was to be strictly followed by Embassy personnel. (I think it has done no harm at all for the Prime Minister to have heard that we have not been happy with the way this Bill has been handled. I also think that we must be very careful, at the present time, to avoid further critical comment, since our points have been made.)

With regard to public clarification, the Prime Minister said that his original purpose had been to get the Bill passed with as little discussion as possible, and we should not forget that, while the government had not given wide circulation to its own explanation in the Majlis, it had also prevented from being circulated the vicious and anti-American things said by the Opposition. He admitted that his government had been caught completely by surprise by the clevereness of the Opposition maneuvers, but that it had taken several days for the extent of these maneuvers on the public to become clear. When the harmful effect had become clear, then the government set forth its views for public consumption through his remarks in the Senate.

The Prime Minister confirmed that Mr. BEHBUDI had been fired from his position in the Court because he had encouraged some Deputies to vote against the Bill, through his son who is a member of the Majlis. He said the Shah had been very angry about the whole thing, and that next Tuesday Deputies ROMBOD, SARTIP-PUR, and one other Opposition Deputy would speak in favor of the Status Bill. When I remarked that they must have been convinced by the logic of his statement in the Senate, the Prime Minister had the lack of grace to acknowledge that this was the case.

C O P Y

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CONFIDENTIAL STRJA 11919. DOD for General Counsel.

SUBJECT: PS STATUS OFIZBAS. FORCES IN IRAN (U)

REFERENCES:

A. Tehran Embtel 495, 2 Nov 64, which suggested a need for further clarification of effect of pending legislation in Iran. Notal.

B. Tehran Embtel 497, 2 Nov 64, which suggested U. S. assume duty to consider waivers of immunity of U. S. personnel in certain cases. Notal.

C. Tehran Embtel 499, 2 Nov 64 which clarified GOI statements concernin effect of their bill No. 2157/2291/18. Notal.

D. Vienna Convention on Diplomatic Relations, 18 Apr 64 which provides for status and privileges of several classes of diplomatic personnel.

1. This headquarters has no objection to a waiver clause in the implementin agreements proposed by references A and B. Present practice in Iran involve Iranian exercise of civil and criminal jurisdiction over DOD personnel in official duty cases. Reference B will provide immunity from all criminal jurisdiction and also civil jurisdiction in official duty cases. In present political climate, the immunity from civil jurisdiction may create difficulties for IIG. Although Article 32, Reference D, provides that waivers may be granted, the U. S. could, in the interest of securing other benefits,

undertake to give sympathetic consideration to requests for waivers. A liberal construction of this undertaking in civil cases will prevent a major departure from prior practice and also preclude insurance companies from avoiding payment of liability claims on basis of insuredbjs immunity.

2. Among the benefits which could be obtained in exchange for a waiver clause is language in the implementing agreement which would include non-advisory U. S. personnel within the new arrangements. It is suggested that language such as Article 4 of the U.S.-Republic of the Congo Agreement of 24 June 1963 (TIAS 5530) would be appropriate to this purpose. Article 4, in pertinent part, applies Vienna Convention diplomatic agents status to the Chief of the Mission and his YPFuty and further provides, quote: all other personnel of the Mission, including U. S. military personnel temporarily assigned and auxiliary groups of U. S. military personnel who may be serving in, or transiting the Congo, will be accorded the treatment to which technical and administrative personnel of diplomatic missions are entitled under that Convention. Unquote.

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CONFIDENTIAL
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Date: Nov. 4, 1964
1700

ACTION: Secstate WASHINGTON 511

INFO : CINCSTRIKE 33

CINCSTRIKE for POLAD

Embtel 499, Vienna Convention - Status Bill

Prikin yesterday asked me to call on him, and with further reference to his speech of Saturday and the clarifications he had privately given us, said he would convey substance of our discussion of yesterday to the Foreign Ministry in a memorandum for its files. I said that I had fully reported his explanations so that they are now a matter of record in Washington as well.

We then discussed the formal notification which FonOff is to send us regarding entry into force of status law and its application to US military personnel, and I suggested that to avoid any future disagreements it would be well to refer specifically to the definition of our personnel contained in our Note 299. Mansur reiterated his request that nothing be done for a while in this matter and that, in particular, nothing be said in public. He also reiterated that it is his intention that the notification from FonOff should be satisfactory to us.

The situation is thus much improved, but we still require early reply

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our 495 so that we may be prepared for discussions with FonOff to obtain all the desired clarifications.

GP-3

ROCKWELL

PAL:MOHers/mja
November 4, 1964

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Tehran, Iran
November 6, 19[illegible]

Dear James,

Although your letter arrived last week I couldn't [illegible] around to answering it. I have the report on my hands. I ha[illegible] planned to write yesterday while the report was being typed b[illegible] I was so ill that I had to call the doctor. After what seems[illegible] be a veritable mountain of pills I feel somewhat better today.

Recent events, which you will learn about from th[illegible] official report, have gladdened my heart. At last we have be[illegible] able to get rid of the mischievous old man who has been puttin[illegible] a spoke into our wheels. The local bigwig had ordered his e[illegible] pulsion. At present he's living in a second-rate Turkish hot[illegible] and tries to convert poor Sunnites. There is a great deal to[illegible] keep us busy. For the time being we shall have to give up [illegible] eastern idyl. It's so easy to fall into the native routine.

I have purchased three miniatures as you requested[illegible] However, the prices have gone up. I [illegible] for the last [illegible] they are guaranteed to be the real thing. I was unable to ta[illegible] care of your other requests. I think [illegible] in the near future I shall be able to transfer the sum [illegible] mentioned to your [illegible]

Rosalind joins me in sending our love to you and [illegible]

Stuart W. Rockwell